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Acts of Governor General of India in council on the 2nd January 1852

Year: 1852

Place: India

Sub: Law and Legislation/Acts of Governor General

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ACT No. I. OF 1852.

Passed by the Hon'ble the President of the Council of India in Council, on the 2nd January 1852, with the assent of the Most Noble the Governor General of India.

An Act for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay.

WHEREAS it is expedient to consolidate into one Act the laws now in force, relating to the customs under the Presidency of Bombay, and also to amend the rules for the collection and management of the same, It is enacted as follows:

I. The following Regulations and parts of Regulations of the Bombay Code, and the following Acts and parts of Acts of the Government of India, are repealed, that is to say, Sections I. II. and III., Regulation VI. of 1799; Clause II. Section VII. Regulation IX. of 1800; Sections XIV. XVII. XX. XXI. and XXV., Regulation I. of 1805; Section IV. Regulation II. of 1810; Regulation VI. of 1814; Chapters III. V. and VII. Regulation XX. of 1827; Regulation I. of 1833: Act I. of 1838, except in so far as it repeals any Regulation of the Bombay Code, or Act of the Government of India; Act IX. of 1845, so far as it relates to the Bombay Presidency, except so far as it repeals any other Act; Act II. of 1846; and all other Acts and parts of Acts, and all other Regulations and parts of

 Regulations

Regulations of the Bombay Code, so far as such Acts or Regulations prescribe the levy within the Bombay Presidency of any customs duties, as well on transit by land as on import and export by sea, or which relate in any way to such duties, or which require the payment of any fee leviable by Customs Authorities on account of any vessel which may enter any port in the territories subject to the Presidency of Bombay.

II. Nothing hereinbefore contained shall be construed to prevent the levy of any anchorage or harbour dues now leviable at the port of Bombay, or the levy of any special duties on opium, tobacco, gunja, spirits or salt which are, or may be, established by any Law, or the levy of any town duty, or of any Municipal Tax, or of any toll on any bridge, road, canal or causeway, or for repair and maintenance of light-houses, or the levy of any rent or fee leviable under Act XXV. of 1836, on the warehousing of goods.

III. The Governor of Bombay in Council may appoint one or more persons, to be Commissioners of Customs for the collection and management of the customs throughout the whole of the Presidency of Bombay with such salary or salaries as the said Governor in Council may deem reasonable; the persons so appointed shall hold their offices during the pleasure of the said Governor in Council, and shall, in all matters relating to the execution of their duties, be subject to the authority, direction and control of, and obey such orders and instructions as shall, from time to time, be issued to them by, the said Governor in Council.

IV. The Governor of Bombay in Council may appoint such persons as he may deem fit for the control and supervision of the collection and management of the customs in the Bombay Presidency under this Act, as Collectors of Customs, or under such other designation as the said Governor in Council shall determine; the persons so appointed shall be subject

to

to the authority and control of the Commissioner or Commissioners (if any such officer shall have been appointed) in such manner and to such extent as the said Governor in Council, from time to time, may direct.

V. The Governor of Bombay in Council may appoint all other proper persons to execute the duties of the several subordinate officers necessary to the due management and collection of the customs, and may require from such persons such securities for their good conduct therein as the said Governor in Council may deem necessary; and may, from time to time, transfer any part of the duties and powers of any officer of customs under this Act to any other officer in such cases and under such restrictions as the said Governor in Council may deem fit; and every officer of customs appointed or employed on any duty relating to the said customs shall hold his office during the pleasure of the Governor of Bombay in Council: all persons holding any office or employment in the said customs, at the time of the passing of this Act, shall continue to be so employed therein under this Act until duly removed therefrom.

VI. The Governor of Bombay in Council may delegate the whole or any portion of the powers with which he is invested by the preceding section to any Commissioner or Collector or other officer of customs regularly appointed under the provisions of this Act, and all subordinate officers of customs, who may be appointed by such Commissioner or Collector, or other officer of customs, by virtue of such delegated power shall be liable to be dismissed, suspended or fined to an extent not exceeding two months' pay by the authority by which they were respectively appointed, subject to the control of Government, or of superior authority in the customs department.

VII. Whoever intentionally obstructs any officer, in the exercise of any powers given by this Act to such officer, shall be liable to imprisonment

ment for any term not exceeding six months, or a fine not exceeding one thousand rupees, or both.

VIII. Any person, who shall offer a bribe to any custom house officer in order to induce such officer to act in a manner inconsistent with his duty, shall be liable for every such offence to a fine not exceeding one thousand rupees, or to imprisonment for any term not exceeding six months, or both.

IX. No action shall lie in the Supreme Court for any act or thing done under this Act; but every action for any wrong or trespass, if committed within the local limits of the Island of Bombay, shall be tried and determined before the Revenue Judge of Bombay, and if committed in any part of the Presidency of Bombay without those limits, then before the proper Zillah Judge within whose jurisdiction the same shall have been committed; and such Revenue Judge of Bombay, or Zillah Judge respectively, shall award such damages to the party aggrieved for the injury done as shall be just and equitable: Provided, that if it shall appear that there was reasonable and probable cause for the act complained of, the plaintiff shall not be entitled, beyond the restoration of any article unlawfully seized, or the value thereof, to more than two annas damages without costs.

X. Whoever, being an officer appointed under the authority of this Act, shall be guilty of a wilful breach of the rules prescribed in this Act, or any other rules that shall be passed by the Governor of Bombay in Council under the authority of it, or shall accept, or obtain or attempt to obtain from any person any property, gratuity or benefit as a consideration for doing or forbearing to do any official act, shall be liable to imprisonment for any term not exceeding two years, or to fine, or both.

XI. Whoever,

XI. Whoever, being an officer appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the customs revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be liable to imprisonment for any term not exceeding two years or to fine, or both.

XII. In all cases in which under this Act, goods are liable to confiscation, and in all cases in which under this Act, any person in charge of, or owning a vessel, or landing or shipping goods, or passing them through the custom house, is liable to a penalty, a Commissioner or Collector of Customs may adjudicate such confiscation or such penalty; or the same may be adjudged by a Deputy or by an Assistant Collector of Customs being a Justice of the Peace: Provided, that the power to adjudicate confiscation shall not extend as regards a Deputy Collector to goods beyond the value of rupees one thousand, nor as regards an Assistant Collector to goods beyond the value of rupees one hundred, nor shall any Deputy Collector impose any fine beyond the amount of rupees fifty, nor any Assistant Collector beyond the amount of rupees ten; and all cases adjudicated by a Deputy or Assistant Collector shall be liable to revision by a Collector of Customs on appeal.

XIII. In case any goods, ship, vessel, boat, cart, vehicle or other article shall be seized as forfeited, or detained as under-valued under this Act, the adjudicating officer may order the same to be restored in such manner and on such terms and conditions as he thinks fit to direct; and if the proprietor of the same accepts such terms and conditions, he shall not have or maintain any action for recompense or damage on account of such seizure or detention, and the adjudicating officer shall not proceed to condemnation.

XIV. Any

XIV. Any Collector of Customs or other officer, who is authorized to adjudicate customs cases, if he shall decide that a seizure of goods made under the authority of this Act was vexatious and unnecessary, may adjudge damages to be paid to the proprietor by the customs officer who made such a vexatious seizure, beside ordering the immediate release of the goods; and if the proprietor accepts such damages no action shall thereafter lie against the officer of customs, in any court of justice, on account of such seizure; and if such adjudicating officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, he may mitigate the same by levying on the goods so seized as aforesaid, any portion of the market value of such goods not less than one-tenth of such value; and if the said officer adjudges confiscation, or any penalty in mitigation of confiscation, he may order that from the sale of the goods, or from the proceeds of any penalty inflicted in mitigation of confiscation, a proportion not exceeding, in all cases of seizure except seizures of salt or tobacco, one-half of the sum remaining after payment of all Government demands shall be distributed in rewards amongst such officers as he deems entitled thereto, and in such proportion as he directs to each respectively: but in awarding rewards for the seizure of confiscated salt or tobacco, he may award one-half of the proceeds of sale, without making any deduction on account of Government demands.

XV. All penalties under this Act, except those specified in any judicial award of the Collector or other adjudicating officer, as provided for in Section XIII. of this Act, shall be adjudged and determined by the Officiating Magistrate of the place where the offence shall have been committed; and any Collector being a Justice of the Peace, or Deputy or Assistant Collector authorized in such behalf by his superior and being a Justice of Peace, may take informations and depositions on oath or selemn affirmation or declaration touching any matters involving a breach of

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any of the provisions of this Act, and if taken in the presence of the party or parties charged with such breach, the same shall be received in evidence by such magistrate in the like manner and to the same extent as if taken before him, and shall be deemed sufficient for him to adjudicate thereon: but nothing herein contained shall prevent such magistrate from taking any information or deposition afresh, or from taking other and further depositions in the matter, if he think fit.

XVI. If any person in charge of, or owning a vessel shall have become liable to any fine on account of any act or omission relating to the Customs, the Collector of Customs, subject to the orders of the Governor of Bombay in Council, may refuse port clearance to such vessel until the fine is discharged; and in like manner if any person passing goods through the custom house, shall have become liable to any fine, the Collector of Customs may detain such goods until the fine is discharged.

XVII. No person shall act as an agent for transacting business in the custom house in the port of Bombay which shall relate to the entrance or clearance of any ship, goods, or baggage, unless authorized so to do by licence of the Collector of Customs, who may require a bond to be given by every person to whom such licence shall be granted, with sufficient securities, in any sum not exceeding five thousand rupees for the faithful and incorrupt behaviour of such person as regards the custom house regulations and its officers; and every person who shall act as such agent not being so licensed shall, for every such offence, be liable to a fine not exceeding the sum of five hundred rupees: Provided always, that nothing herein contained shall extend to forbid the clerk or servant, or known accredited agent of any person, or of any mercantile firm, from transacting business at the custom house on account of such person or firm without licence.

XVIII. Duties

XVIII. Duties of customs shall be levied on goods imported by sea from any port not subject to the Government of the East India Company, or from Aden, or any port in the Straits of Malacca, the Tenasserim Provinces, or the Province of Arracan, into any place in the territories subordinate to the Government of the Presidency of Bombay according to the rates specified in Schedule A. annexed to this Act, and with the exceptions specified therein; and the said Schedule shall be taken to be a part of this Act.

XIX. Duties of customs shall be levied upon goods the produce or manufacture of India exported by sea to any port situated beyond the territories subject to the Government of the East India Company, or to Aden, or to any port in the Straits of Malacca, the Tenasserim Provinces or the Province of Arracan, from any port of the Bombay Presidency, according to the rates specified in Schedule B. annexed to this Act, with the exceptions therein specified; and the said Schedule with the notes attached thereto, shall be taken to be a part of this Act: Provided always, that the ships of any European nation having Firman privileges in the port of Surat, shall not be subject to further duties of import or export than may be prescribed by their Firmans respectively, any thing in the Schedules or in this Act notwithstanding.

XX. Spirits exported from any port subject to the Government of the East India Company, and imported at any other port subordinate to the Government of Bombay shall be liable on importation to the same rate of duty as may be fixed on spirit of country manufacture by Schedule A. annexed to this Act, or by any future enactment: Provided always, that if the said spirit be accompanied by a document signed by competent authority, certifying that a duty, whether of customs or otherwise, has been paid on the said spirit to the East India Company, credit shall be allowed for the sum so paid in settling the customs at the port of import; and if

such

such sum equal or exceed the full amount of customs leviable on spirits of country manufacture under Schedule A. aforesaid, or any future enactment, then the spirit on which such duty has been paid shall be admitted to free entry.

XXI. The Governor in Council may direct that an anchorage toll shall be levied at any port or ports within the Bombay Presidency on all vessels arriving from any other port or ports which may be specified by the said Governor in Council, and such anchorage toll shall be levied at such port or ports on every such vessel on each arrival of such vessel at the rates specified in Schedule C. annexed to this Act: and the said Schedule shall be taken to be part of this Act.

XXII. No goods entered in either of the Schedules of this Act, as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor of Bombay in Council, and the Collector of Customs shall detain all goods subject to duty under this Act until such duty shall have been duly paid according to the rules herein provided: Provided always, that the Collector of Customs, or other officer in charge of a custom house, may at his discretion pass free of duty any passenger's personal baggage in actual use, and if any person shall apply to have goods passed as such baggage, the Collector, acting under the orders of Government, shall determine whether they be passenger's personal baggage in actual use, or goods subject to duty under the provisions of this Act.

XXIII. On application by the exporter of any salt that has paid the excise duty, as established by law, a certificate shall be granted by the Collector of Customs at the place of export, under authority of which certificate the quantity of salt specified therein may be landed at any other port of the said Presidency of Bombay, and passed from such port into

the interior of the country without the levy of any further duty either of excise or of customs.

XXIV. The Governor of Bombay in Council, from time to time by notice in the official Gazette of that Presidency, may fix a value for any article, or number of articles, liable to duty upon their value, and the value so fixed for such articles shall, till altered by a similar notice, be taken to be the value of such articles for the purpose of levying duty on the same.

XXV. When goods liable to duty for which a value has been fixed by such notice or for which a fixed duty has been declared by the Schedules annexed to this Act, are brought to any custom house in the Bombay Presidency in a damaged state, and such damage is declared previous to the assessment of customs on such goods, the Collector of Customs may make an abatement of customs in proportion to the damage received; and, in estimating such damage, he shall be guided by such rules as the Governor of Bombay in Council may from time to time determine and notify; but if the value of the goods be not deteriorated more than one-fifth part thereof no abatement of customs shall be allowed.

XXVI. When goods liable to duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed duty has not been declared by the Schedules annexed to this Act, are brought to any custom house in the Presidency of Bombay, for the purpose of being passed for importation or exportation, the duty leviable on such goods shall be levied according to the market value of such goods, at the place and time of importation or exportation as the case may be.

XXVII. No goods shall be allowed to be passed through the custom house until a written application, according to a form to be prescribed by the

the Collector of Customs, shall have been made by the owner, consignee, exporter, importer, or the agent for any of such persons respectively, for permission to pass such goods through the custom house; and such application shall contain a true description of such goods, with the marks, numbers and description of the packages containing the same, and a declaration of their value, and shall set forth the name of the ship in which the goods have been imported, or are to be exported, the name of the master of the said ship, the colors under which the said ship sails, and the country in which the goods were produced. If any goods shall be passed through the custom house, or attempted to be removed therefrom without such an application in writing as is above described, they shall be liable to be seized and confiscated.

XXVIII. The market value for assessment of duties on the goods indicated in Section XXVI. shall be that declared in the application to be made, as aforesaid: Provided always, that the value so declared be admitted by the Collector or by the officer appointed to appraise goods at the custom house; but if the value of the whole or any part of the goods entered in the declaration aforesaid shall seem to the Collector to be understated in such declaration, he shall have power to take the goods, or any part thereof as purchased for the Government at the price so declared; and whenever the Collector of Customs shall so take goods for the Government, payment thereof shall be made to the consignee, importer or exporter within one month from the date of the declaration; if the goods be imported goods, the amount of import duty leviable thereon shall be first deducted, and if the goods be intended for exportation, the entire value as declared, shall be paid without deduction on account of customs duty: and the Collector shall sell the goods so taken on account of Government; and, if they shall realize on sale a sum exceeding all charges incurred on them by Government, a proportion not more than one-half of the excess shall, at the discretion of the Collector, be payable to the

officer

officer who reported the undervaluation of the goods, who shall in like manner be liable to pay one-half of the net loss that may accrue on the sale of the said goods.

XXIX. And whereas under Section **XXIV.** of this Act, it may be found expedient to fix the dutiable value of certain goods at the rates shewn by their invoice, when it shall appear to the officer of customs appointed to appraise goods at the custom house that any goods are undervalued in an invoice presented for the purpose of assessing customs, he shall report the same to the Collector of Customs, who shall call upon the importer or exporter to declare the market value of the goods in question, and if the value so declared shall appear to the Collector insufficient, he may take such goods for Government at the value so declared, and dispose of them as empowered by Section **XXVIII.** of this Act.

XXX. Upon any goods liable to duty that may be passed through the custom house for shipment, the application for which shall be presented after port-clearance shall have been taken out, double of the prescribed duty shall, in all cases, be levied, and if the goods (always excepting treasure and opium) be free, or have already paid import duty, or have been imported free under certificate, five per cent. upon the market value shall be levied thereon, or if the same be imported goods entitled to drawback, the drawback shall be forfeited, but no separate duty shall be levied on drawback goods.

XXXI. When a vessel having cleared out for any port, shall put back from stress of weather, or it shall from any damage, or from other cause be necessary that the cargo of a vessel that has cleared out shall be unshipped or relanded, a customs officer shall be sent to watch the vessel, and take charge of the cargo during such relanding or removal from on board; and the goods on board such vessel shall not be allowed to be

transhipped

transhipped or re-exported free of duty by reason of the previous settlement of duty at the time of first export unless the goods shall be lodged in such place as shall be allowed by the Collector of Customs, and shall remain while on land or while on board of any other vessel under special charge of the officers of customs until the time of re-export, and all charges attending such custody shall be borne by the exporter: Provided however, that in all cases of return to port after port-clearance on account of damage or for stress of weather, the owner or master may enter the vessel and land the cargo under the rules for the importation of goods, and the export duty shall in that case be refunded, and the amount paid in drawback be reclaimed ; and if goods on account of which drawback has been paid, be not found on board the vessel, the master shall be liable to a fine not exceeding the entire value thereof, unless he accounts for them to the satisfaction of the Collector of Customs.

XXXII. When goods shall be re-landed before the lading of any vessel is complete, and before port-clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any goods after port-clearance shall have been granted for the vessel on which the goods are exported, unless the vessel shall have put back for stress of weather or for damage, and the goods shall have been re-landed under the rule contained in Section **XXXI.**

XXXIII. Goods exported in the same vessel on which they were imported, if manifested for re-export, shall not be subject to import or export duty; and, if any goods brought to any port in any vessel be transhipped in such port, they shall in all cases be subject to the same duty as if they had been landed and passed through the custom house for re-exportation in the vessel into which they may be transhipped.

XXXIV. No duty of customs which shall have been charged and paid, and of which repayment is claimed in consequence of the same having been charged or paid under an erroneous construction of law or from other error, shall be returned unless such claim is made within two years from the date of such payment.

XXXV. With the sanction of the Governor of Bombay in Council, seven-eighths of the customs levied on imports may be repaid as drawback upon the re-export by sea of goods which can be identified to the satisfaction of the Collector of Customs as having previously paid customs duties on import at the same port: Provided that such re-export be made within two years of the date of import by the custom house register, and the drawback be claimed at the time of re-export; but no drawback shall be claimable under this Act on any re-export of opium or salt, or of goods destined for any port in the territories subject to the Government of the East India Company, except Aden, and ports in the Straits of Malacca, the Tenasserim Provinces, and the Province of Arracan.

XXXVI. Every person who shall counterfeit or falsify, or wilfully use when counterfeited or falsified, any invoice, entry, cocket, or other document for the purpose of clearing, or having customs duties assessed on, any goods, shall be liable to a fine not exceeding one thousand rupees.

XXXVII. If any certificate, manifest, bill, or other custom house documents be lost by any person to whom they may have been issued by the custom house authorities, the Collector of Customs, on being satisfied that no fraud has been committed, or was intended, may grant a duplicate of such lost document upon payment of a fee of not less than one rupee, nor exceeding ten rupees; and further the Collector may authorize any amendment to be made in any import or export application; but, if such amendment be required after such application is entered and recorded in the

the custom house books, then upon payment of a like fee for any document so entered.

XXXVIII. The master of every vessel on arrival at the port of Bombay shall, on being required by any customs officer who may proceed on board, enter in a printed form with which such officer will be furnished, the information therein required, which shall include the vessel's name and the country to which she belongs, the name of the captain or sailing master, the port from whence she began her voyage, and the date of departure therefrom, also the names of any ports at which she touched during her voyage, and of any vessels she may have spoken, and a list of her passengers; and any master of any vessel who shall refuse to enter such information, or delay to do so for more than two hours after delivery to him of the printed form aforesaid, or wilfully make any false statement in filling up the same, shall be liable to a fine not exceeding five hundred rupees.

XXXIX. On the arrival of any ship, boat, or other vessel at the port of Bombay, the master or commander thereof shall, within twelve hours after he shall have anchored, report to the Collector of Customs the quantity of gunpowder which he has on board, and all such gunpowder in excess of five seers, unless a greater quantity shall be authorized by Government to be retained on board any vessel, shall be delivered by him in charge of such person as shall be named in an order to be furnished to him for such purpose by a proper officer of Government, and on his failure to make such report, or deliver such excess, he shall be liable to a fine not exceeding five hundred rupees.

XL. When any vessel shall arrive in any port of the Presidency of Bombay, the master shall deliver a certificate of registry of such vessel if registered as a British vessel under Act of Parliament, or if registered

under

under Acts of the Government of India No. X. of 1841 or No. XI. of 1850, a certificate of registry as required by such Acts, or if not registered under either of the said Acts then the pass or sea letter under which the vessel may have sailed, to the first person duly empowered to receive such certificate of registry or pass, who comes on board; and if no such person comes on board before the anchor is dropped, then such certificate or pass shall be forwarded to the Collector of Customs, or other principal officer of customs on the spot, by the first boat that leaves the vessel after dropping anchor; and, if the port be up a river, or at a distance from the land first made, no inward-bound vessel, except such country craft as are described in Section LIX. of this Act, shall pass beyond such place in such river or adjoining such port as shall be from time to time appointed by the Governor of Bombay in Council, by an order published in the Government Gazette of the Presidency, until the master shall have forwarded, in such manner as may be so ordered by the said Governor, a certificate of registry or pass; and the master of such vessel arriving as aforesaid, shall deliver in duplicate, at the same time and in like manner as he is hereinbefore directed to deliver a certificate of the registry of the vessel, a true manifest of the cargo on board; and if there be no cargo, then a blank manifest made out according to such form as may be prescribed by the Collector of Customs; and the wilful breach or neglect of any of the provisions of this Section shall subject the master to a fine not exceeding one thousand rupees.

XLI. If the manifest so delivered by the master shall not contain a full and true specification of all the goods imported in the vessel, the said master shall be liable to a fine not exceeding rupees one thousand, and any goods or packages in excess of the manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, that are found on board, or are found after being fraudulently removed from the vessel, shall be liable to be seized by any officer

officer of customs and confiscated, or to be charged with such increased duties not exceeding the value of such goods or packages as may be determined by the Collector of Customs.

XLII. If any inward-bound vessel shall remain outside or below the place that may be fixed by the Governor in Council for the first delivery of manifests, the master shall deliver a manifest as hereinbefore prescribed, to the first person duly empowered to receive such manifest who comes on board, and the master of any vessel entering a port for which there is a custom house established, and being at anchor therein for twenty-four hours, who shall refuse or neglect to deliver the said manifest within that time in the manner above prescribed, shall, for such refusal or neglect, be liable to a fine not exceeding rupees one thousand; and no entry or port-clearance shall be given for such vessel until the fine is paid.

XLIII. No vessel shall be entitled to inward entry, or be allowed to break bulk, until a manifest in duplicate, as required by this Act, shall have been received by the Collector of Customs, nor until orders have been given by the said Collector for the discharge of the cargo; and the said Collector may further refuse to give such order, if he shall see fit, until any port-clearance, cocket, or other papers known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

XLIV. No vessel shall be entitled to entry outwards, or to take on board any part of her export cargo, until a written application for such purpose shall have been made by the master of such vessel to the Collector of Customs, nor until an order shall have been given by the said Collector for shipping export cargo, and in the written application to be made as aforesaid, the name, tonnage, and nation of the vessel shall be described, as also the name of the master, and the name or names of the place or places for which she is bound.

XLV. If

XLV. If in the application prescribed by the preceding Section of this Act, a vessel be described to be bound to any port or ports within the territories of the East India Company, then the Collector of Customs, or, in his absence, his Deputy or Assistant, may refuse a port-clearance to such vessel until the master or commander thereof shall have given a joint bond together with the owner or the consignee of the said vessel, or some other party approved by the Collector of Customs, or, in his absence, by his Deputy or Assistant, by which such parties or one of them shall be bound to produce to the Collector of Customs a certificate from the officer in charge of the port to which such vessel is said to be bound, of her arrival at such port within a fair and reasonable time to be prescribed by the Collector in each case, and in failure of producing such certificate, or showing sufficient reason for its non-production, the parties to the bond aforesaid shall be jointly and severally bound to pay a penal sum equal to double the amount of customs which would have been chargeable on the export cargo of the said vessel had she been declared bound to a port beyond the territories of the East India Company.

XLVI. No goods shall be allowed to leave any vessel or to be put on board thereof, until entry of the vessel shall have been duly made in the custom house of the port, and until order shall have been given for discharge or shipment of the cargo thereof as above provided, and it shall be the duty of every customs officer to seize as contraband any goods which have been removed from or put on board of any vessel in contravention of the above provision; and the master of any vessel who shall permit or neglect to take measures for preventing the landing or shipping of any goods in contravention of the above provisions, shall be liable to a fine not exceeding five hundred rupees.

XLVII. After entry of the vessel at the custom house in due form as above prescribed, such part of the cargo as may not be declared for re-exportation

re-exportation in the same vessel, shall be landed, and export cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by order of the Governor of Bombay in Council; and if an attempt be made to land or put on board goods or merchandise in contravention of the forms and rules so prescribed, the goods shall be liable to seizure and confiscation.

XLVIII. If goods entered in the manifest of a vessel shall not be found on board that vessel, or if the quantity found be short, and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the custom house, or at such other place as the Collector of Customs shall have prescribed, the master shall be liable to a penalty not exceeding five hundred rupees for every missing or deficient package of unknown value, and to a penalty equal to twice the amount of duty chargeable on the goods deficient and unaccounted for, if the duty can be ascertained, and if they be not subject to duty, then to a penalty equal to five per cent. on the value of such deficient goods; provided always, that nothing herein contained shall be construed to prevent the Collector of Customs from permitting, at his discretion, the master of any vessel to amend obvious and unintentional errors, or to supply omissions from accident or inadvertence, by furnishing an amended or supplemental manifest.

XLIX. Every master of a vessel who shall remove from such vessel or put on board thereof any goods, or cause or suffer any goods to be removed from thence or put on board thereof between sunset and sunrise, or on any day when the custom house is closed for business, without leave in writing obtained from the Collector of Customs, shall be liable to a fine not exceeding five hundred rupees.

L. When goods shall be sent from on board of any vessel for the purpose of being landed and passed for importation, there shall be sent with

with each boat load, or other separate despatch, a boat note specifying the number of packages and the marks and numbers, or other description thereof, and such boat note shall be signed by an officer of the vessel; and if the vessel have a customs officer on board, the boat note must be signed by such officer as well as by an officer of the vessel; and if any imported goods be found in a boat proceeding to land from such a vessel without a boat note, as above provided, or if being accompanied by such boat note they be found out of the proper track between the ship and the proper place of landing, the boat containing such goods may be detained by any officer of customs duly authorized by the Collector; and unless the cause of deviation be explained to the satisfaction of the Collector of Customs, the goods shall be liable to seizure and confiscation.

LI. Except in special cases sanctioned by the Collector of Customs, twenty days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding six hundred tons' burthen, and thirty days for vessels exceeding that burthen; and the said periods shall be calculated from the date on which the vessel was admitted to entry inward; and if any goods remain on board after the periods above fixed, the Collector may order the same to be landed and warehoused, for the security of the duties chargeable thereon, and of any freight and primage and other demands that may be due thereon, giving his receipt to the master for the goods so warehoused; but the Collector or other officer in charge of the custom house, with the consent of the master of the vessel, may cause any packages to be brought on shore and to be deposited in the Government warehouses, although the periods above fixed have not expired.

LII. No vessel shall depart from any port of the Presidency of Bombay without a port-clearance being granted by the Collector of Customs or other proper officer duly authorized by the Governor of Bombay

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in Council to grant the same, and application shall be made for such port-clearance at least twenty-four hours before the intended departure of the vessel; and no such port-clearance shall be granted to any square-rigged vessel sailing from the port of Bombay until the following documents shall have been produced to the Collector of Customs or other officer:—

1st,—The certificate of registry of the vessel if registered a British vessel under Act of Parliament, or if registered under the Acts of the Government of India No. X. of 1841, or XI. of 1850, a certificate of registry as required by such Acts, or if not registered under either of the aforesaid Acts, then the pass or sea letter under which the vessel shall be sailing.

2nd,—A certificate from the Senior Magistrate of Police, that there is no objection in his department to a port-clearance being granted to the vessel.

3rd,—A like certificate from the Indian Naval Store-keeper of all demands as regards his office on the vessel having been satisfied.

4th,—A like certificate from the Marine Paymaster.

5th,—A like certificate from the Registrar of Shipping.

6th,—A list of the crew and (if any) of the passengers; but if none, then a declaration of the master to such effect.

Provided always, that it shall be lawful for the Governor of Bombay in Council in any cases of necessity or special emergency, to authorize the granting of such port-clearance without the production of any one or more of the documents hereinbefore enumerated, and on such terms and conditions as he may think fit.

LIII. The master of every vessel leaving any port in the Bombay Presidency shall, at the time of applying as above prescribed for a port-clearance, deliver to the Collector of Customs or other principal customs officer of such port in duplicate a true manifest of the cargo on board, and if there be no cargo, then a blank manifest made out according to such form as may be prescribed by the Collector of Customs; and if such manifest so delivered shall not contain a full and true specification of all goods to be exported in the vessel, the said master shall be liable to a fine not exceeding one thousand rupees; and any goods or packages found on board in excess of the manifest so delivered, or differing in quantity, or in kind, or in marks, or in numbers from the specification contained therein, shall be liable to be seized by any customs officer and confiscated, or charged with such increased duties not exceeding the value of such goods or packages as may be determined by the Collector of Customs.

LIV. If any goods shall be taken on board of any vessel after port-clearance, it shall be incumbent on the master of such vessel to amend the export manifest of such vessel in presence of the Collector of Customs, unless a special permission be granted by that officer; and the master of any vessel who may contravene the provisions of this Section, shall be liable to a fine not exceeding one thousand rupees.

LV. If any vessel shall depart or attempt to depart without a port-clearance, as directed by this Act, the master shall be liable to a penalty not exceeding one thousand rupees, which may be recovered from the master or any owner of the vessel.

LVI. No transhipment shall be made of any goods except under special order in writing from the Collector of Customs of the port; and an officer of customs shall in all cases be deputed to superintend the removal of the goods from vessel to vessel; and if any goods are transhipped or

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any attempt be made to tranship any goods without a special order as aforesaid, such goods shall be liable to confiscation.

LVII. The Governor of Bombay in Council may declare by public notice, in the official Gazette of that Presidency, what places within the same shall be ports for the landing and shipment of merchandise, and any goods landed or attempted to be landed at any other port than such as shall be so declared, shall be seized and confiscated.

LVIII. There shall be in every port of the Bombay Presidency one or more places for the landing and shipment of goods, and goods shall not be landed or embarked at any other place without the special order in writing of the Collector of Customs for the port; and, if any goods be landed or embarked, or an attempt be made to land or embark any goods at any other than the said authorized places without such order, they shall be seized and confiscated.

LIX. The Governor of Bombay in Council may establish rules for the anchorage of the coasting and country craft of the British territories, for the delivery of manifests of the cargo of such vessels, and for the landing of goods therefrom, and shipping and transhipping of goods therein; and whoever, being in charge of any such craft or being owner of the vessel or of any part of her cargo, shall knowingly contravene any such rule, shall be liable to a fine not exceeding one hundred rupees for each offence.

LX. Goods which shall be brought to be passed through the custom house, either for importation or exportation by sea, shall be liable to confiscation if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the custom house, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity,

quantity, or if in or among the packages any goods not stated in the application be found concealed in or mixed up with the specified goods.

LXI. Any exported goods which shall be found in the harbour, or any imported goods which shall be found on the wharf, of any port under the Bombay Presidency, shall be liable to confiscation, unless the owner, consignee, or other parties interested in the said goods, shall prove in the case of exported goods that they have been duly passed through the custom house, or, in the case of imported goods, that they have been landed according to the rules prescribed by this Act, preparatory to their being so passed.

LXII. The Governor of Bombay in Council, by an order in Council, may fix and from time to time alter rates of rent to be charged on goods placed in the Government warehouses, or which may be, beyond such period as may be determined by the Governor in Council, lying on the custom house wharf or other authorized landing places.

LXIII. The unshipping, carrying, shipping and landing of all goods, and the bringing of the same to the proper place for examination or for weighment, and the putting the same into and out of the scales, shall be performed by or at the expense of the importer or exporter of such goods.

LXIV. The Collector of Customs, whenever he shall see fit, may require that goods brought by sea, and stowed in bulk, shall be weighed or measured on board ship before being sent to land, and may levy duty according to the result of such weighing or measurement.

LXV. The Governor of Bombay in Council, from time to time, may issue such rules as appear to him expedient for landing or shipping passengers' baggage, and passing the same through the custom house, and also for landing,

landing, shipping and clearing parcels forwarded by Her Majesty's or the East India Company's mails, or by other regular packets and passenger vessels; and when any baggage or parcels are made over to the custom house officer, for the purpose of being landed, a fee of such amount as the Governor of Bombay in Council may from time to time direct shall be chargeable thereon, as compensation for the expense and trouble incurred in landing and depositing the same in the custom house.

LXVI. If any person, after goods have been landed and before they have been passed through the custom house, removes or attempts to remove them with the intention of defrauding the revenue, the goods shall be liable to confiscation, unless it shall be proved, to the satisfaction of the Collector of Customs, that the removal was not sanctioned by the owner or by any person having an interest in or power over the goods; on such proof, the goods shall not be liable to confiscation, but the party or parties so removing or attempting to remove the goods, shall be liable to a fine not exceeding the value of the said goods.

LXVII. In case of any goods landed from any vessel not being claimed and cleared from the custom house within three months from the date of entry of the ship in which such goods were imported, the Collector, after publication of a description of the same in the Government Gazette, may sell the same on account of the duties and other charges due thereon; and the balance remaining after deducting the said duties and charges shall be held in deposit, and paid to the owner on application; provided that such application be made within two years of the sale of the goods, or good reason be shewn why such application has not been so made.

LXVIII. If the Governor of Bombay in Council shall see fit for the security of customs at any port to maintain special establishments of boats for landing and shipping merchandise, or to license and register

the cargo boats plying in any ports, then, after due notification thereof, no person shall convey goods to or from any vessel in such port otherwise than in the boats so authorized and prescribed, except under special permit from the Collector of Customs at the port: and any goods found on board of other boats than those so authorized for the port, shall be liable to be seized by any officer of customs and shall be liable to confiscation; and the tindal or owner of any such boat shall be liable to a fine not exceeding fifty rupees for each offence.

LXIX. When the Governor of Bombay in Council shall see fit to maintain at any port an establishment of officers to be sent on board of vessels to watch their unlading and lading, then, after due notification shall have been given that such establishment is so maintained at any port, the Collector of Customs at that port shall have power at his discretion to send one or more officers of such establishment to remain on board of any vessel in such port by night and by day until the vessel shall leave the port, or it shall be otherwise ordered by the Collector.

LXX. Any master of such vessel at such port, who shall refuse to receive an officer so deputed with one servant on board, or who shall not afford such officer and servant suitable shelter and accommodation while on board, and likewise furnish them with a due allowance of fresh water if necessary, and with the means of cooking on board, shall be liable to a fine not exceeding one hundred rupees for each day during which such officer and servant continue on board, and shall not be received and provided with suitable shelter and accommodation.

LXXI. If application be made to the Collector for an extension of the period allowed in Section **LI.** of this Act for the discharge of the import cargo of any vessel on board of which a custom house officer shall have been placed, and the Collector may see fit to grant any such extension,

sion, the master of such vessel shall be charged with the wages of such officer and other expenses, for such period as such officer may be detained on board beyond the period fixed by Section LI. of this Act.

LXXII. If any officer shall be placed on board for the purpose of superintending the lading of any vessel, and the unlading and lading of such vessel be continuous, then a period of twenty days shall be allowed for taking in export cargo; and the said period shall be calculated from the termination of the period allowed for discharging cargo by Section LI. of this Act; and the master thereof shall be charged for the wages and expenses of the customs officer on board after the expiration of such additional period. But, if the unlading and lading of any vessel be not continuous, and a customs officer is appointed to superintend the lading thereof, then the period of thirty days shall be allowed from the date of entry of the vessel outwards, and the master of the vessel shall be charged for the wages and expenses of the customs officer on board after the expiration of that period.

LXXIII. When the unlading and lading of any vessel is not continuous, the customs officer shall be removed from on board such vessel so soon as the import cargo has been fully discharged, and shall be replaced on board such vessel on the entry outwards of such vessel; and the master of any such vessel who, before a customs officer has again been placed in such vessel, shall put on board or cause or suffer to be put on board of such vessel, any goods whatever, shall be punished with a fine not exceeding one thousand rupees, and the goods shall be liable to be re-landed for examination at the expense of the shippers, upon requisition to that effect from the Collector of Customs.

LXXIV. Whenever a Collector of Customs shall see cause to direct that any vessel shall be searched, he shall issue his warrant or written order

order for such search, addressed to any officer under his authority; and upon production of such order, the officer bearing it may require any cabins, lockers, or bulk-heads to be opened in his presence, and if they be not opened upon his requisition, may break the same open; and any goods found concealed, and not duly accounted for to the satisfaction of the Collector of Customs, shall be liable to seizure and confiscation; and any master or person in charge of a vessel who shall resist such officer, or refuse to allow the vessel to be searched when so ordered by the Collector of Customs, shall be liable for every such offence to a fine not exceeding one thousand rupees.

LXXV. If any officer of customs shall see cause to search any person on board, or who shall have landed from any vessel, or any person passing or having passed through the custom house or any custom station, such person, before being searched, may require such officer to take him before the Collector or a Justice of the Peace, who shall determine whether there is reasonable ground to suppose that such person has any uncustomed or prohibited goods on his person; and if such Collector or Justice shall think there is reasonable ground for such supposition, then he shall direct such person to be searched in such manner as he shall think fit, otherwise he shall forthwith discharge such person; but no female shall be searched otherwise than privately, or by any other person than a female duly authorized by such Collector or Justice; and any officer who shall not take such person with reasonable despatch before such Collector or Justice when so required, or who shall require any person to be searched without having reasonable ground to suppose that he has uncustomed or prohibited goods on his person, or who shall cause any female to be unlawfully searched, shall be liable to forfeit and pay a sum not exceeding one hundred rupees; and if any person suspected of having any uncustomed or prohibited goods on his person, or in his possession, shall, on being questioned by any officer of customs in regard thereto, deny the same,

and

and any such goods shall after such denial be found on his person, or in his possession, such goods shall be seized and confiscated, and such person shall forfeit double the value of such goods in addition to the goods confiscated.

LXXVI. Any officer of customs acting under the warrant of any Commissioner or Collector of Customs, may take a constable and a sufficient number of peons, (who shall, on the requisitions of the Collector for such purpose, be furnished by the superintendent of police in Bombay or the proper police authority in any zillah,) and between sunrise and sunset may enter into and search any house, shop, cellar, warehouse, room, or other place, and in case of resistance may break open doors, chests, trunks and other packages, and may seize and bring thence any uncustomed or prohibited goods, and put and secure the same in the custom house warehouse in the port next to the place whence such goods shall be so taken as aforesaid; and such goods shall be liable to confiscation; provided always, that no Commissioner or Collector of Customs shall issue any such search-warrant except upon information on oath or solemn declaration formally laid before him.

LXXVII. No cargo-boat laden with goods intended for exportation by sea shall make fast to, or lie alongside of any vessel on board of which there shall be a customs officer stationed, unless there shall be on board the boat, or have been received by the said customs officer, a custom house permit or order for the shipment of the goods, and the goods on board of any boat that may so be alongside, or be made fast to a vessel, and not covered by a custom house pass accompanying them, or previously received by the customs officers on board the said vessel, shall be liable to seizure and confiscation.

LXXVIII. All fines, for the recovery of which no special provision is herein-before made, may be recovered, on conviction of the offender, before a magistrate or other person competent to adjudicate on the offences, and payment thereof may be enforced under Act II. of 1839.

ACT No. I. OF 1852.

SCHEDULE A.

Rates of duty to be charged on goods imported by sea into any port of the Presidency of Bombay from any port or place not subject to the Government of the East India Company, or from Aden, or from any port or place in the Straits of Malacca, the Tenasserim Provinces, and the Province of Arracan.

Nos.	Enumeration of Goods.	The produce or manufacture of	
		The United Kingdom or any British possession.	Any other Place.
		Rate of duty on the value.	Rate of duty on the value.
1.	Bullion and Coin,	Free.	
2.	Precious Stones and Pearls,	Ditto.	
3.	Grain and Pulse,	Ditto.	
4.	Horses and other living Animals,		
5.	Ice,	Ditto.	
6.	Coal Coke Bricks, Chalk and Stones, (marbles and wrought stones excepted,)	Ditto.	
7.	Cotton Wool, 9 annas per Indian Maund,		
8.	All Machinery imported into India for improvement of the communications and for development of the commercial resources of the country,	Ditto.	
9.	Opium covered by a Pass,	Ditto.	
10.	Opium not covered by a Pass,	24 rupees per Seer of 80 Tolahs.	
11.	Books,	Free, ...	3 per Cent.
12.	Marine Stores,	5 per Cent.	10 per Cent.
13.	Metals, wrought or unwrought,	5 per Cent.	10 per Cent.
14.	Woollens,	5 per Cent.	10 per Cent.
15.	Cotton and Silk Piece Goods, and all manufactures of Cotton and Silk, (except Thread, Twist and Yarn), or of Cotton or Silk mixed with any other materials,	5 per Cent.	10 per Cent.
16.	Cotton Thread, Twist and Yarn,	3½ per Cent.	10 per Cent.
17.	Porter,		

17.	Porter, Ale, Beer, Cyder, and other similar fermented Liquors, ...	5 per Cent.
18.	Salt not covered by a Pass, ...	12 annas per Indian Maund.
19.	Alum, ...	10 per Cent.
20.	Camphor, ...	10 ditto.
21.	Cassia, ...	10 ditto.
22.	Cloves, ...	10 ditto.
23.	Coffee, ...	7½ ditto.
24.	Coral, ...	10 ditto.
25.	Nutmegs and Mace, ...	10 ditto.
26.	Pepper, ...	10 ditto.
27.	Ratans, ...	7½ ditto.
28.	Tea, ...	10 ditto.
29.	Vermillion, ...	10 ditto.
30.	Wines and Liqueurs, ...	1 Rupee per Gallon.
31.	Spirits, of European and Foreign manufacture at or below London proof, ...	1 Rupee 8 annas per Gallon.
32.	Spirits, of Country manufacture including Ceylon Arrack, ...	9 annas per Gallon.

NOTE.—The duty on all Spirits shall be ratably increased as the strength exceeds London proof.

33.	Tobacco and all preparations thereof when the market value does not exceed 30 Rupees per Indian Maund, ...	1 Rupee 8 annas per Indian Maund.
34.	Ditto ditto ditto, when the market value exceeds Rs. 30 per Indian Maund, ...	5 per Cent. on the value.
35.	Ditto ditto, on removal from Bond for consumption in the Island of Bombay, ...	7½ Rupees per Indian Maund.
36.	All articles not included in the above enumeration, ...	5 per Cent. on the value.

SCHEDULE B.

ACT No. I. OF 1852.

SCHEDULE B.

Rates of Duty to be charged on goods exported by sea from any port or place in the Presidency of Bombay to any port or place not subject to the Government of the East India Company, or to Aden, or any port or place in the Straits of Malacca, the Tenasserim Provinces, and the Province of Arracan.

Nos.	Enumeration of Goods.	Rate of Duty.
1.	Bullion and Coin, ...	Free.
2.	Precious Stones and Pearls, ...	Ditto.
3.	Books, Maps and Drawings, printed in India, ...	Ditto.
4.	Horses and living Animals, ...	Ditto.
5.	Opium covered by a Pass, ...	Ditto.
6.	Opium not covered by a Pass, ...	Prohibited.
7.	Cotton Wool, ...	Free.
8.	Sugar and Rum, ...	Ditto.
9.	Salt having paid Excise duty as prescribed by Law, ...	Ditto.
10.	Salt not covered by a Pass or Certificate of having paid Excise duty or Import Customs duty, ...	Prohibited.
11.	Spirits, ...	9 annas per Gallon.
12.	Tobacco and all preparations thereof, ...	1 Rupee 8 annas per Indian Maund of 80 Tolahs to the Seer.
13.	All Articles produced or manufactured in the territories governed by the East India Company, and not enumerated or named above, ...	3 per Cent. on the value
14.	All Articles produced or manufactured in any foreign territory uncovered by a certificate of having paid import duty, ...	3 per Cent. on the value.

SCHEDULE C.

ACT No. I. OF 1852.

SCHEDULE C.

Anchorage Tolls on Country Craft.

	Candies.		Indian Maunds.		Candies.		Indian Maunds.	Rupees.	Annas.	Pies.
Above	10	=	100 not exceeding		20	=	200	1	0	0
,,	20		.....		40		...	1	8	0
,,	40		.....		60		...	2	0	0
,,	60		.....		80		...	2	8	0
,,	80		.....		100		...	3	0	0
,,	100		.....		150		...	3	8	0
,,	150		.....		200		...	4	0	0
,,	200		.....		250		...	4	8	0
,,	250		.....		300		..	5	0	0
,,	300		.....		350		...	5	8	0
,,	350		.....		400		...	6	0	0

Calcutta, 1852.—Printed at the Bengal Military Orphan Press, by F. Carbery

SECRETARIAT
LIBRARY

ACT No. II. OF 1852.

Passed by the Hon'ble the President of the Council of India in Council, on the 2nd January 1852, with the assent of the Most Noble the Governor General of India.

An Act for the collection of Land Customs on certain Foreign Frontiers of the Presidency of Bombay.

WHEREAS it is expedient to provide for the collection of Land Customs on certain Foreign Frontiers, It is enacted as follows:

I. Duties of Customs shall be levied on Goods passing by land into or out of Foreign European Settlements, situated on the line of Coast within the limits of the Presidency of Bombay, at the rates prescribed in the Schedules of Act I. of 1852, at the ports of that Presidency.

II. The Governor of the Presidency of Bombay in Council may declare, by notice to be published in the official Gazette of that Presidency, that the Territory of any Native Chief, not subject to the jurisdiction of the Courts and Civil Authorities of that Presidency, shall be deemed to be Foreign Territory, and may declare Goods passing into or out of such Territory, liable either to the Duty fixed by the Schedules of Act I. of 1852 for Goods imported or exported at the ports of that Presidency,

Presidency, or to double the said Duties as the Governor of Bombay in Council may think fit.

III. For the levy of Duties of Customs as above provided on Goods exported by land to, or imported by land from, such Foreign Territories, Customs Stations may be established at such places as may be determined by the said Governor of Bombay in Council; and every Officer at every such Station shall have power to detain Goods passing into or out of any such Foreign Territory, and to examine and ascertain the quantities and kinds thereof; and such Goods shall not be allowed to pass across the Frontier line out of or into the Territory of the East India Company, until the owner or person in charge thereof shall produce and deliver a certificate shewing that the Customs Duty leviable thereupon has been paid.

IV. Any Officer of Sea Customs may receive money on account of Customs, and grant certificates of the payment thereof; and any such certificate, being delivered to any Station Officer, shall entitle the Goods therein mentioned to cross the Frontier into or out of the East India Company's Territories, provided that the Goods correspond with the specification thereof contained in such certificates, and that the certificates shew the entire amount of Duty leviable on those Goods to have been duly paid; and if upon examination the Goods brought to any Station be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate; and if the payment of Duty certified therein shall not cover the entire amount of Duty leviable on the Goods, as ascertained at such examination, the Goods shall be detained until further certificate for the difference shall be produced.

V. The said Governor of Bombay in Council shall appoint proper Officers to receive Customs Duties on Goods crossing the Land Frontier

of

of the said Foreign Territories; and the Officers so appointed shall, on the receipt of money tendered as Customs Duty, be bound to give any merchant or other person applying for the same a certificate of payment, and to enter therein the specification of Goods, with the values and description thereof, according to the statement furnished by the person so applying; provided only, that the proper Duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

VI. No certificate shall be received at any Station that shall bear date more than thirty days before the date when the Goods arrived at such Station; but any person, who has taken out a certificate from any authorized Receiver of Customs Duties, shall be entitled, at any time within the said period of thirty days, on satisfying such Receiver that such certificate has not been used, and on delivering up the original, to receive a renewed certificate with a fresh date without further payment of Duty.

VII. The said Governor of Bombay in Council may prescribe, by public notice in the official Gazette of the Presidency of Bombay, by what ways Goods shall be allowed to pass into or out of any such Foreign Territory, as is described in Sections I. and II. of this Act; and after such notice, Goods which may be brought to any Station established on other roads or passes than those so prescribed, shall, if provided with a certificate, be sent back, and if not provided with a certificate, shall be detained, and shall be liable to confiscation by the Collector of Customs, unless the person in charge thereof shall be able to satisfy the said Collector that his carrying them by that road or pass was from ignorance or accident.

VIII. Goods unlawfully passed, or attempted to be passed unlawfully, across any Frontier guarded by Stations, between sunset and sunrise, shall be seized and confiscated.

IX. Any

IX. Any Station Officer who shall permit Goods to pass across the Frontier, when not covered by a sufficient certificate, or who shall permit Goods to pass by any road or pass other than the prescribed ways, shall be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding six months and to a fine not exceeding five hundred Rupees, commutable, if not paid, to imprisonment for a further period of six months.

X. Any Station Officer who shall needlessly and vexatiously injure Goods under the pretence of examination, or in the course of his examination, or who shall wrongfully detain Goods for which there be produced a sufficient certificate, shall, on conviction before any Magistrate, be liable to imprisonment for any term not exceeding six months, and to a fine not exceeding five hundred Rupees, commutable, if not paid, to imprisonment for a further period of six months.

XI. All confiscations and penalties under this Act may be adjudicated, by Officers competent to adjudicate, like confiscations and penalties under Act I. of 1852, and such Officers shall be subject to the same liabilities and rules in adjudicating such penalties and confiscations as they are subject to when adjudicating the like confiscations and penalties under the provisions of the aforesaid Act.

Calcutta, 1852 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. III. OF 1852.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th January 1852, with the assent of the Most Noble the Governor General of India.

An Act to amend the law relating to spirituous and intoxicating liquors, drugs, and preparations within the Territories subordinate to the Presidency of Bombay.

WHEREAS Chapters XI. and XII. of Regulation XXI. of 1827 of the Bombay Code have been found to be difficult of application in some parts of the territories subordinate to the Presidency of Bombay, owing to local and peculiar causes, It is enacted as follows:

I. The Governor of Bombay in Council may introduce into any part of the said territories such arrangements for the assessment and collection of the revenue derivable from the manufacture and retail sale of spirits as local circumstances in each case, in the judgment of the said Governor in Council, may require, the same not being inconsistent or incompatible with the provisions of this Act.

II. The licences mentioned in Section LVIII., Clause 1, Regulation XXI. of 1827 of the Bombay Code may be granted by the Collector at his

 discretion

discretion, for the manufacture of spirits at any place within his Collectorate, whether a sudder distillery be there established or not.

III. It shall not be imperative on the Collector to accept the highest offer for the farm of the Abkaree duties under Section LX., Clause 2, Regulation XXI. of 1827 of the said Code, but the Collector shall be at liberty to use his discretion as to the tender he will accept under the general instructions of Government.

IV. No person shall directly or indirectly retail in the said territories spirits, however or wheresoever manufactured, except under the authority of a licence from the Collector, to be granted in the form of Appendix I. to the said Regulation XXI. of 1827, or in such form, and after payment of such fee, as Government may from time to time appoint.

V. Spirits may be manufactured in the said territories for exportation or removal under a licence from the Collector, but not otherwise; and such licence, when granted, shall specify the spirit so authorized to be manufactured, the place at which, and the period for which the manufacture may be carried on, and that the same is permitted for the purpose of removal or exportation only.

VI. Spirits manufactured under the last Section shall not exceed the strength which may, from time to time, be declared by public notification in each district, and shall be liable to the payment of such duty as the Governor in Council shall, from time to time, impose. Liquor found to exceed the prescribed standard shall be liable to double duty, or confiscation, at the discretion of the Collector.

VII. Spirits manufactured under the fifth Section of this Act, shall not be removed from the place of manufacture, except under a pass from the

the Collector, certifying the payment of the aforesaid duty, and specifying the name of the person exporting or removing the same, the quantity of spirits, their destination, the route by which they are to be conveyed, and the dates from and to which the pass shall be in force, which pass shall exempt the spirits lawfully removed under it from the payment of any further duty in their progress through the same territories, excepting always such import or Customs duty, if any, as may be payable at the place of their destination under any Act or Regulation now or hereafter to be in force.

VIII. The Collector may place such establishments on the premises where the manufacture of spirits for exportation or removal is permitted, and may adopt such other precautions as may be necessary to give effect to the provisions of this Act having reference thereto.

IX. Spirits imported by land from any part of the territories of the East India Company, whether subordinate to the Government of Bombay or not, into any other part of the said territories subordinate to the said Government, shall be liable on importation to the same rate of duty, under the same circumstances and rules as are provided in Section XX. of Act No. I. of 1852, for amending the Customs laws of the Bombay Presidency with respect to spirits imported by sea.

X. It shall not be lawful, in any part of the territories subject to the Government of Bombay, to manufacture or prepare for sale, or sell directly or indirectly, any intoxicating drugs or materials, or any intoxicating drink or preparation manufactured from Bhang, Ganja, Grain, Opium or other materials, of what nature or description soever, except under a licence from the Collector of the Zillah, and it shall be competent to the Collector to refuse or to re-call such licence whenever he shall deem it expedient, and every such licence when granted shall specify the name of the

the drug, material, drink, or preparation so authorized to be manufactured or sold, the place or district of manufacture or sale, and the length of time for which such licence is to run, and any other terms or conditions which the Governor of Bombay in Council may from time to time deem it expedient to require, and such fees shall be demanded from time to time, on the grant of such licences, as the said Governor in Council may sanction.

XI. It shall not be lawful to mix any noxious drug or material in, or by other process to adulterate spirits manufactured under the provisions of the said Regulation XXI. of 1827, or of this Act.

XII. All persons offending against, or aiding others in offending, directly or indirectly, against any of the provisions of this Act, or committing a breach of any of the conditions of a licence to be granted under this Act, or obstructing Officers or others in the execution of their duties connected with any of its provisions, shall be punished by fine not exceeding Rupees five hundred, to be commuted, in default of payment, to imprisonment not exceeding six months; and any person having in his possession intoxicating drinks or preparations manufactured contrary to the provisions of this Act, or for which he is unable satisfactorily to account, shall be deemed to be possessed of them illegally, and shall be subject to the penalties above specified.

XIII. The powers conferred on the Collector by Chapter XIII. of the said Regulation XXI. of 1827, shall extend and be applicable to the provisions of this Act, so far as the same are capable of being so applied.

XIV. The Collector shall have full powers to seize and destroy all unlicensed liquor, preparations, drugs, or materials, and all unlicensed stills, and to sell the same, if deemed expedient, on behalf of Government.

XV. The

XV. The duties, powers, and authorities hereby vested in the Collector shall devolve upon, and may be lawfully exercised by the officer specially appointed under Section LV. of the said Regulation XXI. of 1827, for the purposes herein mentioned.

XVI. The powers vested in the Collectors of Land Revenue by Chapter XIII. of the said Regulation XXI. of 1827, and by Sections XII., XIII. and XIV. of this Act, may be exercised by Mamlutdars and Mahalkurrees; provided always, that those Officers shall not be authorized to adjudge any fine exceeding Rupees fifteen in amount, commutable, in default of payment, to twenty days' imprisonment; and provided further, that any order passed by a Mamlutdar or Mahalkurree in virtue of this Act shall be subject to appeal to the Collector or his Assistants, within one month from its date, and that no suit for damages shall be instituted in a Civil Court by persons deeming themselves aggrieved by any proceeding of a Mamlutdar or Mahalkurree under the authority of this Act, unless they shall first have made an appeal to the Collector or his Assistants.

XVII. In all actions or civil suits which may be brought against Collectors, Magistrates, or others for acts done by them in carrying out the provisions of this Act, or the provisions of the said Regulation XXI. of 1827, if it shall appear at the trial that the act complained of was done *bonâ fide*, and that there were reasonable and probable grounds for the same, the plaintiff shall be nonsuited with full costs to be paid by him.

XVIII. This Act shall not have effect within the local jurisdiction of Her Majesty's Supreme Court.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

BENGAL SECRETARIAT LIBRARY

ACT No. IV. OF 1852.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th January 1852, with the assent of the Most Noble the Governor General of India.

An Act to amend the law relating to emigrant vessels and the emigration of labourers.

WHEREAS by Section VIII., Act XXI. of 1844, it was among other things enacted, that no ship or vessel carrying emigrant labourers to Jamaica, British Guiana, or Trinidad, should sail from Calcutta, Madras, or Bombay, at any other time than between the 30th day of any September and the 1st of March next thereafter ensuing: and whereas the said provision was repealed by Act XXV. of 1845, so far as regarded vessels carrying emigrant labourers from Madras, and has been found inconvenient for vessels carrying emigrant labourers from Calcutta; and whereas it is expedient to amend the law relating to the height between decks in emigrant vessels; and whereas by Section I., Act XXI. of 1843, it was enacted, that emigration to Mauritius should only lawfully take place under the provisions of Act XV. of 1842, from the Port of Calcutta; and whereas by Act VIII. of 1847, the emigration of labourers from the Port of Madras to Mauritius was declared lawful, and it is now expedient to repeal Section I., Act XXI. of 1843, and to render lawful the emigration of labourers from the Port of Bombay to Mauritius, It is enacted as follows:

I. So much of Act XXI. of 1844 as is hereinbefore recited, is repealed, so far as regards ships or vessels carrying emigrant labourers from Calcutta.

II. No

II. No ships or vessels carrying emigrant labourers to Jamaica, British Guiana, or Trinidad, shall sail from Calcutta at any other time than between the thirty-first day of any August and the first day of March next thereafter ensuing.

III. No ship or vessel carrying emigrants and having more than one deck, shall have less than the height of five feet and six inches at the least between decks, and in case such ship or vessel shall have only one deck, a platform shall be laid beneath such deck in such manner as to afford a space of the height of five feet and six inches at the least, and such platform shall not be so laid as that the lower beams shall project above the same, and whatever may be the tonnage of the ship or vessel, no greater number of emigrant labourers shall be taken on board such ship or vessel than shall be after the rate of one emigrant labourer for every seventy-two cubic feet of space between decks, or between the deck and platform, unoccupied by goods or stores not being the personal luggage of such emigrant labourers, anything in Act XV. of 1842, or in the Schedule therein mentioned, to the contrary notwithstanding.

IV. Section I., Act XXI. of 1843 is hereby repealed, and from and after the passing of this Act, emigration to Mauritius may lawfully take place under the provisions of Act XV. of 1842 from the Port of Bombay, as well as from the Ports of Madras and Calcutta.

V. The Governor in Council of Bombay may nominate a proper person to act as Protector of Emigrants at Bombay, and no emigrant shall be permitted to embark without a certificate from the Agent appointed by the Government of Mauritius, countersigned by the Protector, to the effect that such person has been engaged by such Agent, on the part of the said Government, as an emigrant to Mauritius.

Calcutta, 1852.—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. V. OF 1852.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th January 1852, with the assent of the Most Noble the Governor-General of India.

An Act for giving effect to the provisions of an Act of Parliament, passed in the 15th year of the reign of Her present Majesty, entituled "An Act for Marriages in India."

WHEREAS by an Act passed in the Session of Parliament holden in the Fourteenth and Fifteenth years of the reign of Her present Majesty, entituled "An Act for Marriages in India," it was enacted (among other things) that it should be lawful for the Governor-General of India in Council from time to time, by Laws and Regulations, (not inconsistent with the provisions of the said Act of Parliament,) to be made in the manner, and subject to the provisions by Law required in respect of Laws and Regulations made by the said Governor-General of India in Council, to provide for the inspection and publication of Notices of Marriage given under the said Act of Parliament, for the custody and protection from injury of Marriage Register Books, for appeals from and references in case of doubt by the Marriage Registrars in relation to Marriages forbidden or Protest entered under the said Act of Parliament, for fixing the hours between which Marriages might be solemnized under the said Act of Parliament, for appointing the Officers to whom Certificates were to be transmitted by the Marriage Registrars, and generally for giving effect to the provisions of the said Act of Parliament, It is hereby enacted as follows:—

Form of Notice and length of residence necessary.

I. In every case of Marriage intended to be solemnized in India, after the first day of February next, under the provisions of the said Act of Parliament, one of the Parties shall give Notice in writing, in the form of Schedule (A.) to this Act annexed, or to the like effect, to any Marriage Registrar of the District within which the Parties shall have dwelt for not less than five days, then next preceding, or, if the Parties dwell in different Districts, shall give the like Notice to a Marriage Registrar of each District, and shall state therein the name, and surname, and the profession, or condition of each of the Parties intending Marriage, the dwelling-place of each of them, and the time, not being less than five days, during which each has dwelt therein, and the Church, Chapel, or other building in which the Marriage is to be solemnized; provided that if either Party shall have dwelt in the place stated in the Notice during more than one calendar month, it may be stated therein that he or she hath dwelt there one month and upwards.

Inspection of Notices.

II. The Marriage Registrar shall file all such Notices, and keep them with the Records of his Office, and shall also forthwith enter a true copy of all such Notices fairly into a book, to be for that purpose furnished to him by the Government, to be called the "Marriage Notice Book," and the Marriage Notice Book shall be open, at all reasonable times, without Fee, to all persons desirous of inspecting the same.

Publication of Notices.

III. The Marriage Registrars, or Registrar of all Districts in the British Territories in India, shall respectively publish all such Notices of Marriage given in their respective Districts by causing a copy of such Notices to be affixed in some conspicuous place in their respective Offices,

Offices, or, where such Registrars are Ministers of the Christian Religion, ordained or otherwise set apart to the ministry of the Christian Religion, such Notices shall be affixed in some conspicuous place in the Church or Chapel or place of worship in which such Ministers respectively officiate. When one of the Parties intending Marriage (not being a Widow or Widower) is under twenty-one years of age, every Marriage Registrar shall, within twenty-four hours after the receipt by him of the Notice of such Marriage, send, or cause to be sent, by the Post or otherwise, a copy of such Notice to all the other Marriage Registrars (if any) in the same District, who shall likewise affix the same in some conspicuous place in their own Offices or Chapels as aforesaid.

Suspension of Certificate in the case of Minors.

IV. Where by the oath or declaration required by the sixth Section of the said Act of Parliament, it appears that one of the Parties intending Marriage (not being a Widow or Widower,) is under twenty-one years of age, the Marriage Registrar shall not issue his Certificate under the provisions of the second Section of the said Act of Parliament until the expiration of fourteen days after the entry of such Notice of Marriage.

Supreme Court may order Registrar to issue his Certificate in less than fourteen days.

V. When one of the Parties intending Marriage (not being a Widow or Widower) is under twenty-one years of age, and both Parties intending Marriage are at the time resident in any of the Towns of Calcutta, Madras, or Bombay, and are desirous of being married in less than fourteen days after the entry of such Notice as aforesaid, it shall be competent for both Parties intending Marriage to apply by Petition to the Supreme Court of such Town, or any Judge thereof, for an order upon the Marriage Registrar to whom the Notice of Marriage has been given, directing him to issue his Certificate at some time before the expiration of the said fourteen days required by Section IV. of this Act. And it shall be competent to the said Supreme Court, or any Judge thereof, on sufficient cause being shown, in their or his discretion, to make an order upon such Marriage Registrar, directing him to issue his Certificate, at any time to be mentioned in the said order, before the expiration of the said fourteen days required by Section IV.; and the said Marriage Registrar, on receipt of the said order shall proceed to issue his Certificate in accordance therewith.

Form of Certificate.

VI. The Certificate to be issued by the Marriage Registrar, under the provisions of the second Section of the said Act of Parliament, may be in the form of Schedule (B.) to this Act annexed, or to the like effect, and the Government of each Presidency or Place shall furnish to every Marriage Registrar a sufficient number of Forms of Certificate.

Notice and Certificate to be translated to Native Christians.

VII. When any Native Christian about to be married applies for or tenders a Notice of Marriage, or applies for a Certificate from a Marriage Registrar, such Marriage Registrar shall ascertain whether the said Native Christian understands the English language, and if he does not, the said Marriage Registrar shall translate such Notice or Certificate, or both of them, as the case may be, or shall cause the same to be translated to such Native Christian, in the language of such Native Christian, or the said Marriage Registrar shall otherwise ascertain whether such Native Christian is cognizant of the purport and effect of the said Notice and Certificate.

How issue of Certificate may be forbidden.

VIII. Any person authorized in that behalf may forbid the issue of the Marriage Registrar's Certificate, by writing, at any time before the issue of such Certificate, the word "forbidden" opposite to the entry of the Notice of such intended Marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her character, in respect of either of the Parties, by reason of which he or she is so authorized, and the said word "forbidden," so written and subscribed as aforesaid, shall be deemed a protest, within the meaning of seventh Section of the said Act of Parliament.

IX.

IX. In all cases where a Marriage Registrar, acting under the provisions of the fourth Section of the said Act of Parliament, shall not be satisfied that the person forbidding the issue of the Certificate is authorized by Law so to do, the said Marriage Registrar shall apply by Petition, which may in all cases be on unstamped paper, where the District of such Registrar is within any of the Towns of Calcutta, Madras, and Bombay, to the Supreme Court of Judicature in the Presidency or place within which such District is comprised, or if such District be not within any of the said Towns, then to the Judge of the Zillah or District within which the same is comprised, and the said Petition shall state all the circumstances of the case, and pray for the order and direction of the Court concerning the same, and the said Supreme Court, or any Judge thereof, or such Judge of the Zillah or District, shall be empowered to examine into the allegations of the Petition and the circumstances of the case in a summary way, and if upon such examination it shall appear that the person forbidding the issue of such Certificate is not authorized by Law so to do, such Supreme Court, or any Judge thereof, or such Judge of the Zillah or District, shall declare that the person forbidding the issue of such Certificate is not authorized as aforesaid, and that then and in such case such Certificate shall be issued, and the like proceedings may be had under the said Act of Parliament in relation to such Marriage as if the issue of such Certificate had not been forbidden by such person. And in all cases where a Marriage Registrar, appointed to act within the Territories of any Native Prince or State in alliance with the East India Company acting under the provisions of the sixth Section of the said Act of Parliament, shall not be satisfied that the person forbidding the issue of the Certificate is not authorized by Law so to do, the said Marriage Registrar shall transmit a statement of all the circumstances of the case, together with all documents and papers relating thereto, to the Governor General of India in Council, and if it shall appear to the said Governor General of India in Council that the person forbidding the issue of such Certificate is not authorized by Law so to do, the said Governor General of India in Council shall declare that the party forbidding the issue of such Certificate is not authorized as aforesaid, and that then and in such case such Certificate shall be issued, and the like proceedings may be had under the said Act of Parliament in relation to such Marriage, as if the issue of such Certificate had not been forbidden by such person.

References by the Registrars in cases of doubt.

X. In all cases whatsoever where a Marriage Registrar resident in the Territories of any Native Prince or State in alliance with the East India Company has refused to issue his Certificate, it shall be lawful for either of the Parties intending Marriage to apply by Petition to the Governor General of India in Council, and the said Governor General of India in Council shall be empowered to examine the allegations of the Petition in a summary way, and shall decide thereon, and the decision of the said Governor General of India in Council shall be final, and the Marriage Registrar, to whom the application was originally made, shall proceed in accordance therewith.

Appeal where Registrar in allied Native State refuses Certificate.

XI. Every Marriage solemnized under the provisions of the said Act of Parliament shall be so solemnized between the hours of six in the morning and seven in evening.

Hours for Marriages

XII. When any Native Christian is married under the provisions of the said Act of Parliament, the party solemnizing the said Marriage shall ascertain whether such Native Christian understands the English language, and if he does not, the party solemnizing the said Marriage shall, at the time of the solemnization thereof, translate, or cause to be translated, to such Native Christian, in the language of such Native Christian, both the declarations made at such Marriage in pursuance of Section IX. of the said Act of Parliament.

Declarations made at the Marriage to be translated to Native Christians.

XIII. After any Marriage has been solemnized under the said Act of Parliament, it shall not be necessary, in support of such Marriage, to give any proof in respect of the Notice of Marriage, or the Certificate or the translation thereof respectively, or in respect of the hours between which any Marriage may be solemnized, or in respect to the said translations

Proof as to Notice, Certificate or hours of Marriage, &c., not necessary to establish Marriage.

translations of the said declarations in Section IX. of the said Act of Parliament contained, nor shall any evidence be given to prove the contrary, in any suit touching the validity of such Marriage.

Penalties.

XIV. Every Marriage Registar who shall knowingly and wilfully issue any Certificate for Marriage after the expiration of three calendar months after the Notice shall have been entered by him as aforesaid, or who shall knowingly and wilfully issue, without the order of a competent Court authorizing him so to do, any Certificate for Marriage where one of the Parties intending Marriage (not being a Widower or Widow) is under twenty-one years of age before the expiration of fourteen days after the entry of such Notice, or any Certificate the issue of which shall have been forbidden as aforesaid by any person authorized to forbid the issue thereof, shall be guilty of Felony. And every person who shall knowingly and wilfully solemnize any Marriage under the provisions of the said Act of Parliament in the absence of a Registrar of the District in which such Marriage is solemnized, or who shall knowingly and wilfully solemnize any Marriage where one of the Parties to such Marriage (not being a Widower or Widow) is under twenty-one years of age within fourteen days after the entry of the Notice of Marriage, no order for the issue of a Certificate in less than fourteen days having been made by a competent Court, shall be guilty of Felony.

Certificates of Marriages in allied Native States to be transmitted to Secretary, &c.

XV. The Marriage Registrars in the Territories of any Native Prince or State in alliance with the East India Company, shall transmit the Certificates mentioned and referred to in the twelfth Section of the said Act of Parliament to the Secretary for the Foreign Department of the Government of India.

Punishment for making false oath or declaration.

XVI. Every person who shall knowingly and wilfully make any false oath or declaration, or sign any false Notice or Certificate, required by the said Act of Parliament or this Act, for the purpose of procuring any Marriage, and every person who shall forbid the issue of a Marriage Registrar's Certificate, by falsely representing himself or herself to be a person whose consent to such Marriage is required by Law, knowing such representation to be false, shall, on conviction, suffer the penalties of Perjury.

Limitation of Prosecution.

XVII. Every prosecution under this Act shall be commenced within the space of two years after the offence committed.

Appointment of Registrars in allied Native States, and as to their Fees.

XVIII. The Governor General of India in Council may appoint any Covenanted or Uncovenanted Servant of the Company, being a Christian, or any Minister of the Christian religion, ordained, or otherwise set apart to the ministry of the Christian religion, according to the usage of the persuasion to which he may belong, to be a Marriage Registrar in any District, to be assigned by the Governor General of India in Council in any place within the Territories of any Native Prince or State in alliance with the East India Company. And the said Marriage Registrar shall be entitled to receive the following Fees; that is to say, for receiving each Notice of Marriage one rupee, for publishing each Notice of Marriage two rupees, for the issuing of each Certificate five rupees, for every Marriage forbidden or Protest entered ten rupees, and for registering each Marriage three rupees, and all such Fees shall be accounted for and paid over by the Marriage Registrar to the Government Treasury as in the said Act of Parliament mentioned. Provided always, that in any case in which it shall appear to the satisfaction of the Marriage Registrar, that the Parties intending Marriage, or married, under the provisions of the said Act of Parliament, are in indigent circumstances, it shall and may be lawful for the said Marriage Registrar, in his discretion, to remit some part, but not more than three-fourths, of the said Fees respectively, and in each and every such case of remission of Fees, the Marriage Registrar shall report the circumstances thereof, and the grounds on which the remission is made, for the information of the Governor General of India in Council.

Salaries of Registrars.

XIX. It shall be lawful for the Government of each Presidency or Place to pay any one Marriage Registrar of Calcutta, Madras, and Bombay, or of any other District where a considerable number of persons likely to avail themselves of this Act are resident, such salary as they shall think fit, not exceeding the sum of Co.'s Rs. fifty per month.

Provision in case of illness, &c., of Marriage Registrar.

XX. When there is only one Marriage Registrar in a District, and such Registrar is absent from such District, or ill, or in case of the death of the only Marriage Registrar in a District, or of any temporary vacancy in such office, the Magistrate of such District shall act as, and be, Marriage Registrar thereof, during such absence, illness or temporary vacancy as aforesaid.

Searches may be made and Certificates given.

XXI. Every Marriage Registrar, or other person who shall have the custody for the time being of the Register of Marriages under this Act, shall, at all reasonable times allow searches to be made of any Register Book in his custody, and shall give a copy, certified under his hand, of any entry or entries in the same, on the payment of the Fees hereinafter mentioned, (that is to say,) for every search extending over a period of not more than one year, the sum of one rupee, and four annas additional for every additional year, and the sum of one rupee for every single Certificate, and all such Fees shall be accounted for and paid over by the Marriage Registrar to the Government Treasury.

Penalty for destroying or falsifying Register Book, &c.

XXII. Every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such Register Book, or the counterfoil Certificates thereof, or any part or certified copy thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, and part of such Register Book, or of such counterfoil Certificates, or of certified copies thereof, or shall wilfully insert or cause to be inserted, in any Register Book, or counterfoil copy or certified copy thereof, any false entry of any Marriage, or shall wilfully give any false Certificate, or shall certify any writing to be a copy or extract of any Register Book, or counterfoil copy thereof, knowing the same Register Book or counterfoil copy to be false in any part thereof, shall be guilty of Felony.

Accidental errors may be corrected.

XXIII. Any person charged with the duty of registering any Marriage, who shall discover any error to have been committed in the form or substance of any such entry, may, within one calendar month next after the discovery of such error, in the presence of the Parties married, or, in case of their death or absence, in the presence of two other credible witnesses, who shall respectively attest the same, correct the erroneous entry according to the truth of the case, by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and he shall make the like marginal entry, attested in the like manner, in the counterfoil Certificate thereof, to be made by him as in the said Act of Parliament mentioned, and in case such counterfoil Certificate shall have been already transmitted to the Secretary of Government of the Presidency or Place within which he resides, he shall make and transmit in like manner a separate counterfoil Certificate of the original erroneous entry, and of the marginal correction therein made.

Certain Registers of Marriage may be kept as heretofore.

XXIV. Nothing in this Act contained shall be construed to extend to the registration of Marriages which may be solemnized in India by persons in Holy Orders, or under the provisions of the Act of the 58th year of King George the Third, Chapter 81, or to the registration of any Marriage solemnized between any two persons professing the Jewish religion, and nothing herein contained, shall affect the right of any Officiating Minister to receive the Fees now usually paid for the performance or registration of any Marriage.

Petitions to be on unstamped paper.

XXV. All Petitions presented in pursuance of Section V. of the said Act of Parliament may be so presented on unstamped paper.

Commencement of Act.

XXVI. This Act shall commence and take effect from and after the first day of February 1852.

SCHEDULE (A)

SCHEDULE (A.)

NOTICE OF MARRIAGE.

To *Mr. John Cox*, a Registrar of the District of *Calcutta* in *Bengal*.

I hereby give you Notice, that a Marriage is intended to be had, within three Calendar Months from the date hereof, between me and the other party herein named and described.

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, place of worship, or building in which Marriage is to be solemnized.	District in which the other Party resides when the Parties dwell in different Districts.
James Smith,...	*Widower,*	*Carpenter,*	*Of Full Age,* ..	16, *Clive Street,* ...	23 *Days,...*	*Union Chapel, Dhurrumtollah.*	
Martha Green,	*Spinster,*	.....	*Minor,*	20, *Hastings' Street,* ...	*More than a Month,..*		

Witness my Hand this *Sixth* Day of *May, One Thousand Eight Hundred and Fifty-two.*

(Signed) *James Smith.*

(The *Italics* in this Schedule to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the Parties lives in another District.)

SCHEDULE (B.)

REGISTRAR'S CERTIFICATE.

I, *John Cox*, a Registrar of the District of *Calcutta* in *Bengal*, do hereby certify, that on the *6th* day of *May*, Notice was duly entered in my Marriage Notice Book of the said District of the Marriage intended between the Parties therein named and described, delivered under the Hand of *James Smith*, one of the Parties, (that is to say,)

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, place of worship, or building in which Marriage is to be solemnized.	District in which the other Party dwells when the Parties dwell in different Districts.
James Smith, ..	*Widower,*	*Carpenter,*	*Of Full Age,* .	16, *Clive Street,* ...	23 *Days,...*	*Union Chapel, Dhurrumtollah.*	
Martha Green,	*Spinster,*	.....	*Minor,*	20, *Hastings' Street,* ...	*More than a Month,..*		

Date of Notice entered *6th May* 1852.

Date of Certificate given *20th May* 1852.

The issue of this Certificate has not been forbidden by any person authorised to forbid the issue thereof.

Witness my Hand this *Twentieth* Day of *May, One Thousand Eight Hundred and Fifty-two.*

(Signed) *John Cox*, Registrar.

This Certificate will be void unless the Marriage is solemnized on or before the *6th* day of *August* 1852.

(The *Italics* in this Schedule to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the Parties lives in another District.)

PRINTED BY THOMAS JONES, AT THE BENGAL SECRETARIAT OFFICE.

ACT No. VI. OF 1852.

Passed by the Governor General of India in Council, on the 30th January 1852.

An Act for defraying the Cost of a Light-House on Pedra Branca.

WHEREAS it has been deemed expedient, for the safety and guidance of Ships navigating the China Seas, to build a Light-House on the Island Rock called Pedra Branca, situated at the Eastern entrance of the Straits of Singapore; And whereas certain sums of money were subscribed by private individuals for that purpose, but the same were insufficient to defray the expense of building such Light-House; And whereas the East India Company agreed to build such Light-House, and to advance certain sums of money to complete the same, on condition that the said sums of money were repaid to them by the levy of a toll on Ships and other square-rigged Vessels entering the harbour of Singapore; And whereas the said Light-House has been built by the East India Company, and it is desirable that the expense of building the same, and of maintaining a Light thereon, should be defrayed out of the monies arising from such toll; And whereas it may hereafter be deemed expedient to establish other Lights or beacons in the Straits of Malacca, or elsewhere near thereto, It is enacted as follows:

I. The Light-House on Pedra Branca aforesaid shall be called "The Horsburgh Light-House," and the said Light-House, and the appurtenances thereunto belonging or occupied for the purposes thereof, and all the fix-

tures, apparatus, and furniture belonging thereto, shall become the property of, and absolutely vest in, the East India Company and their successors.

II. From the first day of March 1852, every Ship, being of the burden of fifty tons and upwards, which shall arrive at, or enter the harbour or roadstead of Singapore, from any part of the world, shall pay a toll of three cents of a dollar per ton for every ton of her registered burden or tonnage; Provided always that no Ship shall pay such toll more than once in every six calendar months.

III. All Ships of War belonging to Her Britannic Majesty, or any Foreign Government or State, and all armed Ships belonging to the East India Company, shall be exempt from the payment of such toll.

IV. The management and controul of the said "Horsburgh Light-House," and of the keeper thereof, and of everything relating thereto, is hereby vested in the Governor of the Straits Settlements.

V. The said Governor may appoint any person he may think fit, to be a Collector of the tolls, payable under this Act.

VI. Out of the funds raised by such tolls, an efficient Light shall be constantly kept up and exhibited during the night-time in and from the said Light-House, and the surplus monies arising from such tolls, after deducting the expense of maintaining such Light as aforesaid, shall, from time to time, be paid over to the said East India Company, in liquidation of the monies they have advanced towards the erection and completion of the said Light-House, and the apparatus and furniture thereof.

VII. The toll to be levied under this Act shall become due and payable immediately on the arrival of every Ship liable thereto within the harbour

harbour or roadstead of Singapore; and, immediately on the arrival of any such Ship within the said harbour or roadstead, the Collector appointed under this Act shall demand, or cause to be demanded, from the Master or other person in command of such Ship, payment of the toll of three cents of a dollar per ton for every ton of the registered burden or tonnage of such Ship, and if the same be not paid within two days after such demand made as aforesaid, or if, at any time after the arrival of such Ship as aforesaid, the said Collector shall have cause to suspect, or believe, that such Ship will immediately leave the said harbour or roadstead without paying such toll, it shall be lawful for any Justice of the Peace, upon an affidavit to that effect being made before him on oath by such Collector (which oath the said Justice is hereby authorized to administer), to issue his Warrant under his hand, directed to any Peace Officer of Singapore aforesaid, to enter on board such Ship and to seize and carry away any of the Goods, Merchandize, Guns, Tackle, Apparel or Furniture of or belonging to or on board such Ship, and to keep the same for the space of three days then next, unless the said toll shall be in the mean time paid; and in case the amount of the toll due by such Ship shall not before the expiration of such three days have been paid, then the said Collector may cause the said Goods, Merchandize, Guns, Tackle, Apparel or Furniture so seized to be sold, and out of the proceeds of such sale shall pay the amount of the said toll to which such Ship shall be liable, together with the reasonable charges of the seizure, detention, and sale, rendering to the Master or Owner, or other person having the command of such Ship, the overplus (if any) on demand.

VIII. The Officer of Government whose duty it shall be to grant a Port-clearance for any Ship clearing out of or leaving the port of Singapore aforesaid, shall refuse to grant such Port-clearance to any Ship until the Owner, Agent, Master or other person in command of such Ship shall produce a certificate from the Collector appointed under this Act that such

such Ship has paid the amount of toll to which she is liable under this Act.

IX. Notwithstanding anything in this Act contained, the said Collector appointed under this Act, may sue for and recover the amount of any tolls payable to him under this Act, by action of debt or suit in Equity in any of Her Majesty's Courts in India, against the Owner, or Master, or other person who, at the time of default made in the payment of such toll, owned or had the command of any Ship liable thereto.

X. In order to ascertain the exact burden or tonnage of any Ship liable to pay the toll leviable under this Act, the Collector appointed under this Act may apply to any Justice of the Peace to require, and such Justice of the Peace shall thereupon summon and require the Owner, Master, or other person in command of such Ship, or any person having possession of the same, to produce the register of such Ship for the inspection of such Justice, and upon the refusal or neglect of any such Owner, Master, or person to produce such register, it shall be lawful for such Justice to adjudge such Owner, Master, or person to pay a fine not exceeding one hundred dollars, and in default of payment, to be imprisoned in Her Majesty's Gaol for any period not exceeding two calendar months.

XI. When and so soon as the monies to be advanced by the said East India Company towards the erection and completion of the said Light-House shall have been fully repaid and liquidated in manner herein provided for, it shall be competent for the Governor of the Straits Settlements to build, or cause to be built, one or more other Lights or beacons for the safety and guidance of Ships in such part or parts of the Straits of Malacca, or near thereto, as shall be deemed expedient, and the cost thereof, and of maintaining the same, and of keeping up and exhibiting a Light

ACT No. VII. OF 1852.

Passed by the Governor General of India in Council, on the 6th February 1852.

An Act for amending Act XVII. of 1840 *as to penalties for breaches of the Salt Laws in the Madras Presidency.*

WHEREAS inconvenience has been experienced in consequence of the Head Officers of District Police in the Madras Presidency being prohibited from taking cognizance of petty offences against the Salt Laws, It is enacted as follows:

I. Heads of District Police may hear and determine cases of offences against the Salt Laws, when the value of the Salt in question shall not exceed five Rupees, and may inflict punishment not exceeding ten days' imprisonment with labour, or a fine not exceeding three Rupees, commutable, if not paid, to imprisonment with labour for a period not exceeding ten days.

II. Whenever a Head Officer of District Police shall be of opinion that the punishment which he is empowered to inflict is not adequate to the offence committed, he shall report the case to the Magistrate for his final orders, stating precisely the nature and extent of the punishment he recommends to be inflicted; and the Magistrate shall, at his discretion, issue his orders in writing to the Head Officer of Police, to inflict such punishment

punishment as the Magistrate may deem sufficient, not exceeding that declared in Act XVII. of 1840, recording his reasons, if his opinion is at variance with the opinion of the Head Officer of Police; or the said Magistrate shall order the Head Officer of Police to forward the parties and witnesses to him for further investigation.

III. If at the expiration of thirty days from the date and day of despatch of any reference from a Head Officer of District Police to a Magistrate, no answer or order of the Magistrate shall have been received by the Head Officer of Police, then the said Head Officer shall release the offenders, and the confinement which they have so had shall be considered a sufficient punishment for the said offence, and they shall not be liable to be again tried for the same.

IV. Heads of District Police shall report to the Magistrates, in the manner prescribed by Clause 2, Section XXXIII., Regulation XI. of 1816, of the Madras Code, all punishments which they inflict by the authority vested in them by this Act.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. VIII. OF 1852.

Passed by the Governor General of India in Council on the 6th February 1852.

An Act for remunerating the Sheriffs of Calcutta, Madras, and Bombay, for the execution of Mofussil Process under Act XXIII. of 1840.

FOR making better provision for the Sheriffs of Calcutta, Madras, and Bombay, in remuneration for the execution of legal process issued by Courts out of the said towns respectively, It is enacted as follows:

I. The several Sudder Courts of the Presidency of Fort William in Bengal, and the Sudder Courts of the Madras and Bombay Presidencies respectively, shall make, and from time to time amend, a Table of reasonable fees, to be taken on account of the execution by the Sheriff in such Presidency of any legal process issued by any Court, Judge, or Magistrate, beyond the jurisdiction of the several Supreme Courts established by Royal Charter in Calcutta, Madras, and Bombay, and of the sums to be allowed for costs of advertisements or other notifications of sales of property, according to the amount of the decrees to be satisfied by such sales,—which fees and sums shall be payable by

by the party applying for the process before it is sent to the Sheriff for execution, and shall be deemed costs in the cause.

II. The said Table of fees and sums, when made or amended as aforesaid, shall be submitted by the Sudder Court of the Lower Provinces of the Presidency of Fort William to the Governor of Bengal, and by the Sudder Court of the North-Western Provinces of the said Presidency to the Lieutenant Governor of those Provinces, and by the Sudder Courts of Madras and Bombay respectively to the Governor in Council of the Presidencies in which such Courts respectively have jurisdiction, for his approval; and the said Table of fees and sums shall have full force and effect, and the fees and sums therein mentioned may be lawfully demanded and taken, from and after the approval thereof by the said Governor, Lieutenant Governor, or Governor in Council, as the case may be.

III. Every such Court, Judge, and Magistrate, issuing process as aforesaid, shall cause a separate account to be kept of the amount of all fees and sums so paid, and shall from time to time, as directed by Government, cause the amount thereof to be paid into the local Treasury.

IV. The Government of each of the Presidencies and Provinces aforesaid shall twice in each year account for and pay over to the Sheriff, for the time being, the amount of fees and sums so paid, after deducting all necessary expenses of receiving and keeping account thereof, and remitting the nett proceeds thereof to Calcutta, Madras, or Bombay, as the case may be; or, where the amount has accrued in the shrievalty of more than one Sheriff, shall apportion the sum paid accordingly between the Sheriff for the time being, and the then late Sheriff.

V. The

V. The said Governments respectively may compound with the Sheriff for a monthly payment to be made to him instead of such fees and sums, and during such composition may appropriate the said fees and sums to the purposes of Government.

VI. Over and above such fees and sums, or any such monthly payment received instead of such fees and sums, the Sheriff shall be entitled to a fee after the rate of Two Rupees Eight Annas for each Hundred Rupees of the value of any goods or property taken and sold by him in execution of any process issued by any Court, Judge, or Magistrate beyond the local jurisdiction of the said Supreme Courts, which fee shall be taken to cover all expenses connected with the seizure and sale, except the expense of advertisements.

VII. No fee, estimated upon the amount of the sum for which any person is taken in execution, shall be payable to the Sheriffs of Calcutta, Madras, or Bombay, or any of their Bailiffs, for taking the body of any person in execution on any process issued by any Court, Judge, or Magistrate out of the local jurisdiction of the said Supreme Courts respectively; but instead thereof, such fees shall be payable to the Sheriff for taking the body of any person in execution of any such process as shall be settled, from time to time, by the Sudder Court as aforesaid.

VIII. If any person taken in execution on any such process shall escape out of the legal custody of the Sheriff, the Sheriff shall not be liable to an action of debt for such escape, but shall be liable only to an action upon the case for damages in consequence of such escape sustained by the person or persons at whose suit the prisoner was taken.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. IX. OF 1852.

Passed by the Governor General of India in Council on the 6th February 1852.

An Act to repeal Regulation I. of 1832 *of the Bengal Code.*

WHEREAS a tract of land situated near the town of Bithoor, in the district of Cawnpore, was granted by the British Government as a jagheer during pleasure to the Maharajah Bajee Row Behadoor; and whereas by Regulation I. of 1832 of the Bengal Code, it was (among other things) enacted, that from and after the passing of that Regulation, the jurisdiction of the Courts of Civil and Criminal Judicature, and the operation of the General Regulations, should not extend to the tract of land aforesaid, and that the said Maharajah should exercise the Civil and Criminal administration of the jagheer, subject to such control as therein mentioned; and whereas the said Maharajah Bajee Row died on the 28th day of January 1851, and it is now expedient to repeal the said Regulation I. of 1832; It is declared and enacted as follows:

I. Regulation I. of 1832, of the Bengal Code, is hereby repealed.

II. The said tract of land being part of the district of Cawnpore, all Laws and Regulations now in force within such district, shall be in force in the said tract of land.

III. All

III. All cases, Civil or Criminal, in which the cause of action arose, or the offence was committed within the said tract of land before the passing of this Act, may be tried and determined by the Courts of the said district of Cawnpore, and the General Laws and Regulations now in force in such district may be applied and administered by the said Courts in the trial and determination of such cases; but if in any case it shall appear that the application of the said Laws and Regulations would operate unjustly if applied to the trial and determination of such case, it shall be lawful for such Courts to try and determine the same according to equity and good conscience.

IV. Provided always, that no Court shall try or determine any case, Civil or Criminal, with respect to which a final decision may have been pronounced previous to the said 28th day of January 1851, by any Court or person within the said tract of land, having at the time of such decision, lawful power and authority to pronounce it.

Calcutta, 1852 —Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. X. OF 1852.

Passed by the Governor General of India in Council, on the 6th February 1852.

For constituting Commissioners for the Improvement of the Town of Calcutta.

WHEREAS Act XVI. of 1847, for constituting Commissioners for the Improvement of the Town of Calcutta, has been found inconvenient and ineffectual for the intended purposes thereof, It is enacted as follows:

I. Act XVI. of 1847 is repealed, except as to anything done, or forborne to be done, under the said Act before the passing of this Act, but not so as to revive Act XXIV of 1840. Provided always, that the taxes leviable under Act XVI. of 1847, on the owners or users of Carriages, Carts, and Horses, may still be assessed and imposed on such owners or users for the last Quarter or part of a Quarter previous to the passing of this Act; and all taxes and arrears of taxes, assessed and imposed on the owners or users of Carriages, Carts, and Horses under Act XVI. of 1847, and not collected at the time this Act comes into operation, may be levied and recovered as if the said Act XVI. of 1847 were not repealed.

II. The scheme of election agreed upon by the owners and occupiers of assessed houses, buildings, and lands in each division of the

Town, and the rules made by the Commissioners, severally approved by the Deputy Governor of the Presidency of Fort William in Bengal and President of the Council of India in Council, in pursuance of the said Act, are rescinded and annulled. Provided always, that all taxes and arrears of taxes assessed and imposed on the owners or users of Carriages, Carts, and Horses under Act XVI. of 1847 and Section I. of this Act, and not collected at the time this Act comes into operation, may be levied and recovered as if the said Rules were not repealed.

III. For the purposes of this Act the Town of Calcutta shall be divided into two divisions, that is to say, a Northern and Southern Division, by a line passing from the river Hooghly at the old Fort Ghaut along the centre of Fairlie Place, Clive Street, the street on the Northern side of Tank Square, Loll Bazaar, Bow Bazaar, and Boitaconnah ; or such other two divisions as the Governor of the Presidency of Fort William in Bengal, from time to time, may appoint: and, whenever any such new division shall be made, the provisions of this Act, with respect to the divisions herein defined, shall be deemed to apply thenceforth to such new divisions.

IV. There shall be four Commissioners for executing the powers of this Act, who shall be styled the Commissioners for the Improvement of the Town of Calcutta, of whom two shall be appointed by the Governor of the Presidency of Fort William in Bengal, and two shall be elected as hereinafter provided, that is to say, one for each division of the said Town.

V. The Commissioners shall enter upon their office on the First day of January in each year, and shall hold their office regularly for one year, or until their successors are duly constituted; and until the first constitution of Commissioners under this Act, the Commissioners now acting

acting in the execution of the said Act XVI. of 1847, shall exercise the powers of this Act, and shall be deemed Commissioners under this Act.

VI. Every person is entitled to one vote in the election of a Commissioner under this Act who is the owner of a house, building, or ground in either division of the said Town, and is assessed at not less than ten rupees' tax in the whole for a quarter of a year, in respect of such house, building, or ground, and who, on or before the 20th day of November in each year, has paid all such taxes due from him up to the last day of July, in the same year.

VII. Every person is entitled to one vote in the election of a Commissioner under this Act who is the occupier of any house, building, or ground in either division of the said Town, and who pays a monthly rent of not less than rupees seventy in respect of such house, building or ground.

VIII. Each voter is entitled to vote in that division only in which he is assessed to the amount which constitutes his qualification: but any person who is assessed or pays rent to the qualifying amount in each division, may be entitled to vote in both. No person shall be entitled to two votes in any one division by reason of his being both an owner and occupier to the qualifying amounts respectively in such division.

IX. All elections under this Act shall be under the management of the Sheriff of Calcutta, who shall appoint a sufficient number of Deputies to help him in presiding thereat: and every Deputy, while so acting for the Sheriff, shall have the same powers and duties as the Sheriff with respect to the division for which he is acting.

X. The

X. The elective Commissioners shall be chosen yearly, on a day between the First and Twentieth days of December, to be appointed in each year by the Sheriff of Calcutta, of which day, and also of the place of election, the Sheriff shall give notice, by advertisement in the *Calcutta Gazette*, Fifteen days at least before the day of election.

XI. The place of election for each division of the Town shall be the Town Hall of Calcutta, or such other place as the Sheriff, with the sanction of the Governor of the Presidency of Fort William in Bengal, shall, from time to time, appoint.

XII. The voting shall begin at eight of the clock in the morning, and end at five of the clock in the afternoon of the appointed day.

XIII. Every person qualified to vote in the election, and none other, is qualified to be a candidate for election as a Commissioner.

XIV. Every candidate shall, ten days at least before the day of election, give notice thereof in writing to the Sheriff, naming the division for which he is a candidate, and shall at the same time produce to, and leave with, the Sheriff a certificate from the Secretary to the Commissioners that he is qualified to be a candidate, which certificate the Secretary shall be bound to give without fee or charge, on personal application, to any person duly qualified.

XV. All expenses of the election of Commissioners, including the expense of advertising the time and place of election, shall be defrayed by the candidates; and every candidate shall, at the time when he produces to the Sheriff his certificate of qualification, deposit with the Sheriff the sum of two hundred rupees toward the expenses of the election, and in default thereof shall not be qualified to be elected.

XVI. If

XVI. If the whole amount so deposited shall not be spent by the Sheriff in such election, the residue shall be returned to the candidates in equal proportions; and if the whole amount so deposited is not enough to defray the expense of such election, the Sheriff shall be entitled to receive from each candidate his proportionate share of the surplus expense, and in default of payment may sue for and recover the same, as money spent on behalf of such candidate.

XVII. The Commissioners shall cause to be prepared, in each year, correct alphabetical lists of the owners qualified to vote in each division of the Town, and also an alphabetical list of the occupiers qualified to vote in each of the said divisions, who shall, on or before the First day of November in each year, apply to the Commissioners to have their names entered in such lists, and the said lists shall be open for inspection at the office of the said Commissioners, on or before the First day of December in each year, during all reasonable hours of the day, until the day of election, when the said lists, or copies thereof, shall be taken to the place of election for the use of the Sheriff and his Deputies.

XVIII. The Secretary to the Commissioners, on the written application of any person qualified to vote as aforesaid, signed by himself, specifying the division, street and number, or other description of every house, or building, or the land in respect of which the claim is made, and delivered to the Secretary on some day between the 1st and 30th day of November, both inclusive,—with, where the applicant is an owner, the receipted assessment bills, shewing that the applicant has paid the taxes required by this Act to qualify him to vote, or with, where the applicant is an occupier, the receipted rent bills, shewing that such occupier has paid the rent required by this Act to qualify him to vote,—shall give to such person a voting ticket, according to his qualification. The voting tickets shall be numbered and signed by the Secretary to the

 Commissioners,

Commissioners, and shall be in one of the forms contained in the first Schedule annexed to this Act, or in such other form as shall be, from time to time, adopted by the Commissioners, with the approval of the Governor of the Presidency of Fort William in Bengal; the Secretary to the Commissioners shall keep a Register of such voting tickets, which shall specify the number of each voting ticket, the name of the voter, and the premises in respect of which such voting ticket is given, and the said Secretary, on the day of election, shall take the said Register to the place of election, for the use of the Sheriff and his Deputies.

XIX. The voting ticket shall be conclusive evidence that the person named therein is entitled to vote at the next election of a Commissioner in the division for which the ticket is given, according to the tenor thereof.

XX. At the time and place appointed for the election, the Sheriff or his Deputies shall attend with two closed boxes, with openings in each box for the reception of voting tickets, and distinguished from each other, by having marked or painted legibly, in English and Bengallee characters, the word "Northern" on one box, and the word "Southern" on the other.

XXI. Every voter, having obtained his voting ticket in each division in which he is qualified to vote, and having written thereon the name of the candidate for whom he wishes to vote, and having signed the same, shall personally attend at the place of election, and shall deliver his voting ticket to the Sheriff, or one of his Deputies presiding at the election for that division, who, on being satisfied of the identity of the person tendering the voting ticket with the person whose signature it bears, shall deposit such voting ticket in the box of the division.

XXII. The

XXII. The Secretary, Assessors, Collectors, and Collecting Sircars of the Commissioners, and, if required by any candidate, an agent appointed by writing under his hand on his behalf, shall attend at the place of election during the continuance thereof, for the purpose of assisting in identifying the persons who shall tender voting tickets.

XXIII. The decision of the Sheriff, or his Deputy, admitting or rejecting any disputed vote tendered at any election, shall be conclusive as to the reception of the vote.

XXIV. At the close of the poll for any division, the Sheriff or his Deputies, in the presence of the candidates, or such of them as choose to be present, or of scrutineers appointed in writing under their several hands, shall ascertain the number of votes given for each candidate in each division; and the Sheriff shall thereupon publicly declare the name of the candidate in each division for whom the greatest number of votes has been given in such division, and shall declare such candidate to be duly elected a Commissioner for the Improvement of the Town of Calcutta.

XXV. If two or more candidates at the head of the poll in any one division of the Town shall have the same number of votes, the Governor of the Presidency of Fort William in Bengal shall appoint one of the candidates, having such equal number of votes, to be one of the elected Commissioners for the Improvement of the Town of Calcutta.

XXVI. The result of every election shall be certified by the Sheriff to the Governor of the Presidency of Fort William in Bengal, who will cause notice thereof to be given in the *Calcutta Gazette*.

XXVII. If any vacancy, from any cause whatever, happens before the month of December in any year among the Commissioners, the Governor

Governor of the Presidency of Fort William in Bengal shall appoint a person qualified to be elected to fill such vacancy, and the Commissioner appointed to fill such vacancy shall be a Commissioner as if he had been elected at the then last general election of Commissioners.

XXVIII. The 158th Section of the Act of Parliament passed in the 33rd year of the reign of King George the Third, and numbered Chapter 52, is hereby repealed, and the powers and duties which by the said Act were conferred and imposed on the Justices of the Peace within or for the Presidency of Fort William in Bengal, in regard to the collection, levying, and disbursement of the taxes thereby authorized to be assessed by them on the owners or occupiers of houses, buildings, and grounds, shall be exercised and performed by the said Commissioners, instead of the said Justices of the Peace; and the powers and duties by Act XXII. of 1847, or any other Act, conferred on or belonging to the Commissioners constituted under the said Act XVI. of 1847, and their Officers, shall be transferred to, and belong to the Commissioners constituted under this Act and their Officers respectively.

XXIX. The Justices of the Peace within and for the said Town of Calcutta shall make a quarterly assessment at the rate of six and one quarter per cent., or one anna in the Rupee, on the owners of houses, buildings, and grounds within the said Town, according to the gross monthly rental thereof, or on the gross monthly rental at which the same might, in the estimation of the said Justices, reasonably be expected to let.

XXX. Of the two Commissioners yearly appointed by the Governor of the Presidency of Fort William in Bengal, one shall be President of the Commissioners. In the absence of the President, such other Commissioner shall act as Chairman of the meetings of the Commissioners as shall be chosen by those present. On all questions on which the Commissioners

Commissioners present are equally divided in opinion, the President shall have a second or casting vote. No meeting of the Commissioners shall be held without twenty-four hours' notice being given to all the Commissioners, and two Commissioners shall be necessary to constitute a meeting.

XXXI. The Commissioners shall severally receive such monthly salaries, not exceeding two hundred and fifty rupees each, to be paid out of the taxes levied under the said Act of Parliament, and Act XVI. of 1847, and this Act, as the Governor of the Presidency of Fort William in Bengal, with the approval of the Governor General of India in Council, shall from time to time appoint.

XXXII. The Commissioners shall appoint a Secretary, subject to the approval of the Governor of the Presidency of Fort William in Bengal, and shall also appoint a sufficient number of Assessors, Collectors, Surveyors, Inspectors, Appraisers, Bailiffs, and such other Officers as they may deem necessary for assessing, collecting, or levying the taxes imposed on the owners or occupiers of houses, buildings, and grounds under the authority of the said Act of Parliament, and of this Act, and also the taxes and penalties herein mentioned, and may appoint the same persons to act both as Assessors and Collectors, and may prescribe such rules, and take such security for the due execution of the duties of such Secretary and Officers as they may deem expedient; and the Secretary and Officers of the Commissioners shall receive such salaries, to be paid out of the said taxes, as the Commissioners from time to time may appoint, subject to the approval of the said Governor. The Secretary and every other Officer shall be removable at the pleasure of the Commissioners, subject, in the case of the Secretary, to the approval of the said Governor.

XXXIII. All rates and taxes assessed on the owners of houses, buildings, and grounds, and penalties imposed under the authority or

colour of the said Act of Parliament, and Act XVI. of 1847, before this Act comes into operation, may be demanded, and if not duly paid, may be levied and recovered by the Commissioners acting under the authority of this Act, in the same manner, and by the same forms, or by forms to the like effect, as if they had been imposed under the authority of this Act.

XXXIV. The owners of houses, buildings, and grounds, within the said Town, shall pay such sums of money as shall be assessed upon them by the said Justices according to the said rate of six and a quarter per cent., or one anna in the rupee.

XXXV. Where there is land wholly or partly covered with houses or buildings, which do not belong, or which belong only in remainder or reversion, to the owner of the land, and rent is covenanted to be paid to the owner of the land, wholly or partly irrespective of the value of the said houses or buildings, the said Justices may assess the owner of the land separately, in respect of the land, and the owners of the houses and buildings, according to their value, after deduction of the value of the land, in respect whereof the owner thereof is separately assessed.

XXXVI. The said Justices, in their discretion, may omit from their valuation and assessment any tenement of very small value, unless where there are many such belonging to the same owner, which can be conveniently valued and assessed together.

XXXVII. Where any house, building, or ground, within the said Town, has been vacant for sixty consecutive days in any quarter of a year, the rates for that quarter shall be remitted, provided that the owner of such house, building, or land, shall have given notice in writing of the vacancy thereof, to the Secretary of the Commissioners, within seven days

next

next after the day on which it becomes vacant; and if such notice of vacancy be not given within the said seven days, the said rates shall be remitted from the day on which the notice may be delivered to the Secretary.

XXXVIII. The first assessment to be made under this Act shall be made on or after the Twelfth day of February 1852, for the months of February, March, and April 1852, and when made, shall be taken to supersede and annul any previous assessment made by the Justices for the same period or any portion thereof; and every following assessment shall in like manner be made prospectively at the commencement of the quarter of a year in which it is made.

XXXIX. The assessment of the taxes specified in this Act shall be made by the said Justices or any of them, but shall in every case require to be confirmed at a subsequent meeting of the said Justices, and the said Justices shall cause such assessments, when made and confirmed, to be entered in books to be kept in their office, and the entries for such assessments in the said books, authenticated by the signatures of the Justices, or any two of them, shall be conclusive evidence of the several assessments therein specified.

XL. The Justices shall give at least fourteen days' notice, by advertisement in the *Calcutta Gazette*, of the day and hour when they will meet in their office, for the purpose of revising and confirming the said assessment; and every person who deems himself aggrieved in any respect by the said assessment, and is desirous of appealing against the same, must attend such meeting; and the Justices may adjourn such meeting, if necessary, from day to day; and, after hearing and determining all objections to the assessment, may make such amendments therein as to them may appear just, and finally confirm the same as so amended.

XLI. The

XLI. The books containing the proposed assessment shall be in the office of the Justices during the said period of fourteen days, or more, open at all reasonable times to the inspection of all persons assessed therein.

XLII. The taxes specified in this Act shall be due and payable from and after the end of the quarter of a year, or other period for which they are imposed.

XLIII. When the taxes specified in this Act shall be due and payable, or as soon after as convenient, the said Commissioners shall send, or cause to be sent, to the persons severally liable to pay any of such taxes, a statement or bill in the form (A.) contained in the second Schedule annexed to this Act, or to the like effect, of the sums due from such persons respectively in respect of the said taxes.

XLIV. When any person shall be in arrear of the payment of the said taxes specified in this Act, the said Commissioners, or any one of them, or their Officer duly authorized by them, may issue, or cause to be issued and served upon such person, a Notice of Demand in the form (B.) contained in the second Schedule annexed to this Act, or to the like effect: and if he shall not, within five days from the service of such Notice of Demand, pay the arrear due from him, according to the tenor of such Notice of Demand, the said Commissioners, or any one of them, or their Officer duly authorized by them, may issue and serve, or cause to be issued and served, upon such person a summons to pay in the form (C.) contained in the second Schedule annexed to this Act, or to the like effect, requiring such person to appear before the said Commissioners, or any one or more of them, on a day and at an hour and place to be named in such summons.

XLV. On

XLV. On the appearance of the party summoned, the said Commissioners, or any one or more of them, may make such further enquiry into the case as to them or him seems just, and may make such order for the payment of the whole or any part of the demand as to them or him seems just; and in case of the non-appearance of the party summoned, the said Commissioners, or any one or more of them, on proof of service of the said summons, and on making such further enquiry into the case as to them or him seems just, may decide the claim, in like manner as if the said party were present, and may make such order for the payment of the demand, together with such costs as to them or him may seem reasonable.

XLVI. In order that the Justices and Commissioners may be better informed of the value of any house, building, or ground, or in any other matter relating to their duty under this Act, and the execution thereof, the Justices or Commissioners, or any one of them, or their Officer duly authorized by them, may issue a summons, in the form (D.) contained in the second Schedule annexed to this Act, to any person whom they are desirous of examining for that purpose; and any one or more of the said Justices or Commissioners may examine such person so summoned concerning the value of such house, building, or ground, or other matter relating to the assessment; and such examination shall be taken down in writing, in such manner as the Justices or Commissioners may order: and in case the answers of such person so examined shall appear to the said Justices or Commissioners to be evasive or untrue; or in case the party summoned shall refuse to answer any lawful question of the said Justices or Commissioners, or any one of them, or shall be proved to have refused to receive, or to have wilfully destroyed, defaced, or unlawfully detained any Bill, Summons, or Notice of Demand served upon him, with intent to evade being lawfully rated to the full amount of any of the said taxes due from him, or with intent

to avoid or delay payment thereof; or shall be proved knowingly, or through gross negligence, to have given any false information, either verbally or in writing, to the said Justices or Commissioners, or any of them, or any of their Assessors or Officers, whereby they or any Assessor or person employed by them shall be misled in making any assessment; or in case the party summoned shall refuse, or without lawful excuse neglect to appear before the said Justices or Commissioners, in pursuance of such summons; such person shall, for any of the above-mentioned offences, be liable to such penalty, not exceeding one hundred rupees, as shall be set on him by the said Justices or Commissioners, or any one of them, and such penalty shall be recovered under a warrant to be issued for that purpose by the said Justices or Commissioners, or any one of them, by distress and sale of any goods and chattels within the Town belonging to the person liable to pay or make good the said penalty; and every such warrant of distress may be in the form (G.) contained in the second Schedule annexed to this Act, or to the like effect.

XLVII. All arrears of taxes and penalties due under the said Statute 33 George III., Act XVI. of 1847, and this Act, and the costs and charges of recovering the same, may be recovered at any time after the day on which the person liable to pay such arrears has been summoned to appear before the Commissioners, or any one or more of them, as provided by Section XLIV. of this Act, under a warrant to be issued for that purpose, under the hand and seal of one of the said Commissioners, by distress and sale of any goods and chattels within the Town of Calcutta, belonging to the person liable to make good or pay the same, or being at any time within the house or building, or upon the ground in respect of which any such assessment is made; and every such Warrant of Distress may be in the form (E.) contained in the second Schedule annexed to this Act, or to the like effect.

XLVIII. The

XLVIII. The Bailiff shall make an inventory of all goods and chattels seized under any warrant, and shall give a notice in writing in the form (F.) contained in the second Schedule annexed to this Act, or to the like effect, to the person in possession thereof at the time of the seizure, that the said goods and chattels will be appraised and sold in manner therein mentioned.

XLIX. If the warrant is not in the mean time discharged or suspended by one or more of the said Commissioners, the goods and chattels seized shall be appraised and sold, and the proceeds thereof shall be applied in discharge of the arrears, or penalty, and costs; and the surplus, if any, shall be returned, on demand, to the person in possession of the goods and chattels at the time of the seizure; and the fees upon every such proceeding shall be such as are mentioned and set forth in the third Schedule annexed to this Act.

L. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of the rates, taxes, or penalties under the said Statute 33 Geo. III., Act XVI. of 1847, or this Act, the Commissioners, or any one or more of them, if they think fit, may authorize any Collector or other person to sue the person liable to pay such rates, taxes, or penalties for any arrears of such rates, taxes, or penalties, in the Calcutta Court of Small Causes; and all such suits may be prosecuted by such Collector or other person in the name of the Commissioners; and the costs, if any, incurred in any such suit, which are not recovered in the suit, may be defrayed out of the taxes levied under this Act.

LI. When any Bill, Notice of Demand, Summons, or other proceeding of any kind whatsoever with respect to any taxes under the said Statute, Act XVI. of 1847, or this Act, is to be issued to the owner

of any premises, if his name be not certainly known, it shall be sufficient to address such proceeding to him by the description of the "Owner" of the premises (naming or describing them) in respect of which such proceeding is issued, without further name or description of such owner, and such proceeding may be duly served as hereinafter mentioned; and every Bill, Notice, Summons, or Notice of Demand, may be served personally upon the person to whom the same is addressed, or left with his door-keeper, or some inmate of his place of abode; and when any person shall, by keeping his place of abode or business closed, or by absconding, or by violence or threats, prevent any Officer or Servant of the said Commissioners from serving any Bill, Notice, Summons, or Notice of Demand, as herein directed, such Bill, Notice, Schedule, Summons, or Notice of Demand, shall be duly served, by fixing the same conspicuously on some part of the outer wall, gate, or door of the house or place of business, or of the enclosure in which it stands: in case the place of abode of the owner be not within the limits of the said Town, it shall be sufficient for the Commissioners to transmit any Bill, Notice, Summons, or Notice of Demand, directed to him by name, through the Post, or to serve the same upon the occupier of the premises assessed, or upon the agent (if any) of such owner.

LII. No distress levied under the authority of this Act shall be unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the Notice, Bill, Summons, Notice of Demand, Warrant of Distress, Inventory, or other proceeding relating thereto, nor shall he be a trespasser from the beginning on account of any irregularity afterwards committed by him.

LIII. The said Commissioners shall, from time to time, subject to the approval of the Governor of the Presidency of Fort William in Bengal, make

make Rules for regulating their proceedings under this Act, and for the regulation of the time and manner of demanding and collecting the taxes specified in this Act, and for altering any of the forms set forth in the Schedules hereunto annexed, and the said Justices shall, from time to time, subject to the like approval, make Rules for regulating their proceedings under this Act, and for the regulation of the time and manner of assessing the rates specified in this Act.

LIV. The goods and chattels of the owner of any house, building, or ground rated under the said Statute 33 George III. Chapter LII., Section CLVIII. Act XVI. of 1847, or this Act, shall be liable to be distrained anywhere (except goods and chattels concealed as hereinafter mentioned), for deficiency in the payment of rates; and it shall not be necessary in any assessment, rate or tax, or Warrant of Distress under the said Statute, Act XVI. of 1847, or this Act, to specify the names of the owners of houses, buildings, or grounds; but it shall be sufficient if the house, building, or ground, in respect of which the tax is assessed, be identified, and in the case of houses numbered in any street, that the name of the street and the number of the house be specified.

LV. All goods and chattels, which shall be found upon any premises rated, shall be liable to be distrained for any arrears of rates or taxes assessed in respect thereof; and if the said goods and chattels belong to the occupier of such premises, such occupier may deduct the amount of the levy made upon his goods and chattels, or of any payment made by him in order to prevent such levy, from the following payments of his rent. If they belong to any person other than the occupier of the premises, or if no further rent is payable by such occupier, he may in such case recover the amount so paid or levied, by suit in the Calcutta Court of Small Causes, from the owner of the premises, as for money paid on his behalf.

LVI. Every

LVI. Every person shall be entitled to have from the Secretary to the Commissioners, on application at their Office, and on payment of a fee of four annas, a certificate, specifying the last quarter in respect of which the taxes on account of any house, building, or ground are paid.

LVII. When there is reason to believe that goods and chattels, liable to distress under the said Statute, Act XVI. of 1847, or this Act, are concealed in any zenana, the Officer charged with the execution of the warrant shall make a special report to the Commissioner granting the same, who shall thereupon follow, as closely as may be, the rules for the seizure of goods and chattels in like cases adopted by Her Majesty's Supreme Court of Judicature.

LVIII. Every person who wilfully obstructs or molests the said Commissioners, or any one of them, or their Secretary, or any of their Officers or Servants in the performance of their respective duties, under the said Act of Parliament, Act XVI. of 1847, or this Act, shall be liable, on summary conviction before a Justice of the Peace, on his own confession or the oath of one or more witnesses, to forfeit and pay a penalty not exceeding fifty rupees.

LIX. The Commissioners or any one of them may sue and be sued at Law and Equity in the name of their Secretary for the time being, and no action or suit to be brought or commenced by or against such Secretary, in manner aforesaid, shall abate or be discontinued by the death, resignation, or removal of such Secretary; and no execution shall issue or be had in any such action or suit against such Secretary until six months' notice shall have elapsed after final judgment in such action or suit shall have been obtained, and every such Secretary, in whose name or by or against whom any such action or suit shall be brought, commenced, or sued, shall be fully reimbursed and

paid

paid all such costs, charges, damages, and expenses as by the event or in consequence of any action, suit, or proceeding he shall pay, sustain, or be put unto or become chargeable with or liable to by reason of his being plaintiff or defendant as aforesaid, or of his name being used as aforesaid, by and out of the funds under the control of the Commissioners; and if any person against whom the Commissioners shall have any claim or demand, take the benefit of, or become subject as an insolvent to the operation of any Act for the Relief of Insolvent Debtors, the Secretary of the Commissioners in all proceedings in the insolvency may represent the Commissioners, and act in their behalf in all respects as if such claim or demand had been the claim or demand of such Secretary, and not of the Commissioners.

LX. The Secretary of the Commissioners being the plaintiff, prosecutor, or defendant, or otherwise acting in any action, suit, or proceeding as aforesaid, shall be competent to be a witness therein, in the same manner as he might have been if his name had not been made use of as the plaintiff, defendant, or otherwise in any such action, suit, or proceeding.

LXI. No writ or process shall be issued out against or served upon any Commissioner, or any Secretary, Surveyor, or other Officer, or person whomsoever acting under the direction of the Commissioners, for anything done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered to him or left at his Office or place of abode, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his Attorney or agent in the cause; and upon the trial of any such action, the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant; and every such action shall be brought or commenced within three calendar months

months next after the accrual of the cause of action, and not afterwards; and if any party shall have committed any irregularity, trespass, or other wrongful proceedings in the execution of this Act, or by virtue of any power or authority hereby given, and if before action brought in respect thereof, such party shall make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action when brought, and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

LXII. No matter or thing done, or contract entered into by the Commissioners, or any one of them, or by any Secretary, Surveyor, or other Officer or person whomsoever, acting under the direction of the Commissioners, shall, if the matter or thing were done, or the contract were entered into *bonâ fide*, for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever; and any expense incurred by any such Commissioner, Secretary, Surveyor, or other Officer or person acting as last aforesaid, shall be borne and repaid out of the funds under the control of the Commissioners.

LXIII. In any such action as aforesaid the defendant may plead the general issue, and give this Act, and any special matter in evidence on the trial.

LXIV. If in any such action judgment be given for the defendant, or if the plaintiff be nonsuited or discontinue the said action, the defendant shall be entitled to his costs as between attorney and client,

and

and shall have such remedy for recovery thereof as any defendant has for his costs in any other case by law.

LXV. The whole proceeds of the said taxes, after paying all salaries, establishments, and incidental expenses of the said Commissioners, shall, with such moneys as the Governor of the Presidency of Fort William in Bengal, with the sanction of the Governor General of India in Council, may direct to be paid to the said Commissioners, be applied by them to the following purposes, that is to say,—

1stly,—Cleansing, repairing, lighting and watering the roads and streets.

2ndly,—Constructing new drains and sewers, and cleansing and repairing or filling up and abolishing old drains and sewers.

3rdly,—Filling up stagnant pools of water, holes in the earth, and all receptacles for filth and rubbish, and removing obstructions in or on the roads and to the free circulation of air.

4thly,—Formation of tanks and aqueducts for the conveyance of water to all parts of the Town.

5thly,—Opening of streets and squares in crowded parts of the Town.

6thly,—Improving and embellishing the said Town generally.

LXVI. In construing this Act all words used in the singular number shall be held to include several persons and things, and words in the plural shall be held to include the singular number, and all words importing the masculine gender shall extend and be applied to females as well as males, unless there is something in the context inconsistent with such construction.

First Schedule.

No. *Form* 1.

Form of Voting Ticket.

Division.	Name of Rate-payer.	Aggregate value of Houses, Buildings, or Grounds for which he is assessed.	Total Assessment.

Entitled to vote.

Secretary.

Reverse.

I, the undersigned, being the rate-payer within described, do hereby give my vote for as Commissioner for the ( ) Division.

Calcutta,
The 18 .

Signature.

No.

Form 2.

Division.	Street.	No. of House.	Name of occupier.

Entitled to vote.

Secretary.

Reverse.

I, the undersigned, being the occupier within described, do hereby give my vote for as Commissioner for the ( ) Division.

Calcutta,
The 18 .

Signature.

Second Schedule.

ACT No. X. OF 1852.

SECOND SCHEDULE.

(A)

House Tax Bill.

Division No.

Street No.

Remit

Premises No. _____ _____ _____

_____ _____ _____ Dr.

To Assessment on the above-mentioned Premises for _____.

Quarter.

Rated at Rupees „ „ per Month.

Quarterly Assessment, Rs. „ „

Received Payment,

_____

Calcutta, 18 . *Collector.*

(B)

Notice of Demand.

Number
Division
Street
House

Take Notice that I, on behalf of the Collector of Assessments, have demanded and demand from you the arrears of Taxes assessed upon you as owner of the premises mentioned in the margin, for the ( ) Quarter, viz., the months of 18 under the Provisions of Act X. of 1852, amounting to Rupees , and that if the same be not paid into the Collector's Office within five days after this demand, you will be reported to the Commissioners, and will be liable to the expenses of any further proceedings.

For the Collector,

Collecting Sircar.

Calcutta,
This *day*
of 18 .

(C)

(C)

Summons to Pay.

No.

To

Number
Division
Street
House
Quarter

You are hereby summoned to appear personally before the Commissioners for the Improvement of the Town of Calcutta, or such one or more of them as shall be at their Office at o'clock on the day of 18 , to answer to a complaint made against you by the Collector of Assessments for non-payment of the Taxes imposed on you as owner of the premises mentioned in the margin, under the Provisions of Act X. of 1852, for the ( ) Quarter, that is to say,—the months of ( ) amounting to Rupees

Commissioners' Office.

No.

Given under my hand, this day of 18

A. B.

(D)

Summons to give Evidence.

To

Under the authority of Act X. of 1852, you are hereby summoned to appear personally before the Commissioners for the Improvement of the Town of Calcutta, or such one or more of them as shall be at their Office at o'clock on the day of 18

(Here set out the cause of Summons.)

Commissioners' Office.

Given under my hand, this day of 18

A. B.

ACT No. X. OF 1852.

(E)

Distress Warrant.

Town of Calcutta. } To One of the Bailiffs for the Commissioners for the Improvement of the Town of Calcutta.

Number Whereas of in the said Town is this
No. of day duly convicted before of the Commissioners for
Division the Improvement of the Town of Calcutta, for that the said
Street doth refuse or neglect to pay, and hath
House not yet paid, the Taxes on houses, buildings, and lands mentioned in the margin, to which he is assessed under the Provisions of Act X. of 1852, for the ( ) Quarter, that is to say, for the months of ( )
amounting to the sum of Co.'s Rs. although the said sum has been demanded of him, and five days have lapsed since such demand; This is to command you to distrain the Goods and Chattels of the said
within the said Town, or any Goods and Chattels which you may find on the premises in respect of which the said Taxes are due, to the amount of Co.'s Rs.
and such further sum as may be sufficient to defray the charges of making such distress; and if within five days next after such distress, the said sum of Co.'s Rs.
shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said Goods and Chattels; and having paid out of the money arising by such sale, the said sum of Co.'s Rs. to the Collector of Assessment for the said Commissioners, and having deducted the necessary charges of taking, keeping, and selling the said distress, to return the overplus, if any, on demand,

demand, to the person whom you shall find in possession of the said Goods and Chattels.

Given under my hand and seal, this day of 18 . L. S.

One of the Commissioners for the Improvement of the Town of Calcutta.

(F)

Inventory.

Quarter
Number
No. of
Division
Street
House

An Inventory of the several Goods and Chattels distrained by me Bailiff, No. situated in for the sum of Company's Rupees Annas Pies being Arrears of Assessment due up to the day of last, for Taxes under the Provisions of Act X. of 1852 (or being the amount of a penalty imposed on by of the said Commissioners, or Justices of the Peace as the case may be), with the costs and charges for enforcing payment of the same.

To

Take Notice, that I have this day distrained the several Goods and Chattels specified in the Inventory for Taxes under the Provisions of Act X. of 1852 (or being the amount of the said penalty), and that unless you pay the said sum, with the charges of distraining, into the Office of the Collector of Assessment, within five days from the date hereof, the said Goods and Chattels will be sold according to law.

Arrears, Rs.
Costs, „
Co.'s Rs.

Witness my hand, this day of 18

Bailiff.

(G)

(G)

Distress Warrant.

Town of Calcutta. } To

One of the Bailiffs for the Commissioners for the Improvement of the Town of Calcutta.

Whereas A. B., of in the said Town is this day duly convicted before of the Commissioners for the Improvement of the Town of Calcutta, *(or Justice of the Peace, as the case may be,)* of the offence of *(here state the offence)* against the form of the Act X. of 1852 in that case made and provided, and was thereupon adjudged by that he the said A. B. had forfeited the sum of Rs. *(here state the amount)* for the offence ( ) aforesaid: And whereas the said A. B., being required to pay the said sum of Rs. *(here state the amount aforesaid)*, hath not paid the same, but therein has made default: These are to command you to distrain the Goods and Chattels of the said A. B., which may be found within the said Town, to the amount of the said sum, and such further sum as may be sufficient to defray the charges of making such distress; and if within five days next after such distress, the said sum of Rs. *(here state the amount)*, together with the reasonable charges for taking and keeping the said distress, shall not be paid, to sell the said Goods and Chattels. and having paid out of the moneys arising by such sale the said sum of Rs. *(here state the amount)* to the Collector of Assessments for the said Commissioners, and having deducted the necessary charges of taking, keeping, and selling the said distress, to return the overplus (if any) on demand, to the person whom you shall find in possession of the said Goods and Chattels.

Given under hand and seal, this day of 18 . } L. S.

of the Commissioners for the Improvement of the Town of Calcutta, (or Justice of the Peace, as the case may be.)

THIRD SCHEDULE.

ACT No. X. OF 1852.

THIRD SCHEDULE.

Table of Fees to be taken for Proceedings under this Act.

	Rs.	As.
For every Summons to pay	1	0

IN DISTRAINTS.

SUM DISTRAINED FOR.	FEE. Rs.	As.
Under 5 Rupees, ...	1	4
5 and under 10 Rupees, ...	2	0
10 „ 15 „	2	8
15 „ 20 „	3	8
20 „ 25 „	4	4
25 „ 30 „	5	0
30 „ 35 „	5	8
35 „ 40 „	6	8
40 „ 45 „	7	12
45 „ 50 „	8	8
50 „ 60 „	10	0
60 „ 80 „	11	8
80 „ 100 „	13	0
Above 100 „	15	0

The above charge includes all expenses except when peons are kept in charge of property distrained, in which case 4 Annas must be paid daily for each man.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

BENG SECRETARIAT LIBRARY

ACT No. XI. OF 1852.

Passed by the Governor General of India in Council on the 13th February 1852.

An Act for the Adjudication of Titles to certain Estates claimed to be wholly or partially Rent-free in the Presidency of Bombay.

WHEREAS in the Territories of the Deccan, Kandeish, and Southern Mahratta Country, and in other Districts more recently annexed to the Bombay Presidency, claims against Government on account of Inams and other Estates wholly or partially exempt from payment of Land Revenue are excepted from the cognizance of the ordinary Civil Courts, and incapable of being justly disposed of under the Rules for the determination of Titles, and the Rules of Procedure contained in Chapters IX. and X. of Regulation XVII. of 1827 of the Bombay Code and their Supplements; and whereas it is desirable that the said claims should be tried and determined without further delay, It is declared and enacted as follows:

I. The Rules in Chapters IX. and X. of Regulation XVII. of 1827, and in Clause 1 of Regulation VI. of 1833 of the Bombay Code, do not apply to any of the Districts of the Bombay Presidency which were not brought under the General Regulations of Government by Regulation XXVIII. of 1827 of the Bombay Code; and no order hitherto passed

 regarding

regarding the continuance or resumption of lands in any of the said Districts held or claimed from Government as wholly or partially free of assessment, shall be liable to be questioned in any Court of Law, on the grounds of any interpretation or construction of the Law, which may be inconsistent with the declarations made and the rules prescribed by this enactment.

II. The Governor of Bombay in Council may appoint in any Zillah or other division of the Territories subject to the Presidency of Bombay, which were not brought under the General Regulations of Government by the said Regulation XXVIII. of 1827, an Inam Commissioner with so many Assistants, and such subordinate Establishment, as may be necessary for the purposes hereinafter mentioned.

III. The duties of each Inam Commissioner and his Assistants shall be discharged according to the Rules in Schedule A. annexed to this Act.

IV. In the adjudication of claims to exempt lands or interests therein, the titles of claimants shall be determined by the Rules in Schedule B. annexed to this Act.

V. Each Inam Commissioner and his Assistants shall have the same authority to procure the attendance of witnesses, and to take evidence, as now is, or from time to time may be, by Law vested in the ordinary Civil Courts; and so far as concerns the penalties for not giving evidence, for false testimony, for resistance of process, contempts, and other like matters, connected with cases under cognizance by any one of the said Officers, his Office shall be held to be a Court of Civil Jurisdiction of the same authority as the superior Civil Court of the Zillah or District in which his Office from time to time shall be established. Provided that all complaints against, or appeals from the proceedings of the

Inam

Inam Commissioner or any of his Assistants, in exercise of the authority conferred on them respectively by this Section, shall be made under the second Rule of Schedule A. annexed to this Act, and shall not be cognizable by any other authority or in any other manner than as therein specified.

VI. Bribery, extortion, and generally all acts of abuse, or misapplication of authority, or other misconduct, committed by any Officer belonging to the Establishment of the Inam Commission, or temporarily employed therein under the provisions of this enactment, shall be punishable as criminal offences with fine and ordinary imprisonment without labour for a period not exceeding five years, and the receipt of a present, directly or indirectly, by any such Officer from any person against whom or in whose behalf he may be officially employed, shall be considered extortion. And no penalty or punishment adjudicated under this Clause shall preclude any other Civil prosecution to which the offender may be liable.

VII. No decision or order of the Inam Commissioner, or of any of his Assistants, or of the Governor in Council, under the provisions of this enactment, so long as the same shall be in force under such provisions, shall be questioned or avoided in any Court of Law; and no Commissioner or Assistant Commissioner, or other person acting under the provisions of this Act, shall be liable to be sued in any Civil Court for any act *bonâ fide* done or ordered to be done by him in pursuance of the said provisions.

SCHEDULE A.

Rules for defining the Duties of each Inam Commissioner and his Assistants.

1. The duty of the Inam Commissioner and his Assistants shall be to investigate, in the manner prescribed by this enactment, the titles of

of persons holding or claiming against Government the possession or enjoyment of Inams or Jagheers, or any interest therein, or claiming exemption from the payment of Land Revenue, and generally to act according to the instructions of Government in all matters not specifically provided for in this enactment.

2. All orders of the Assistant Commissioners shall be appealable to the Inam Commissioner, who shall also have the authority of revising and of modifying, reversing or annulling, if necessary, their orders and proceedings, and the orders and proceedings of the Inam Commissioner shall be in like manner appealable to, and subject to modification, reversal, or annulment by the Governor of Bombay in Council, whose orders shall in every case be final.

3. The Inam Commissioner or his Assistants shall receive from the persons holding or claiming to hold lands or any interest therein exempt from the payment of Revenue, statements explaining the nature of the title by which the lands or interests are so held, and shall take and record the evidence offered in support of such statements.

4. These statements may be received, either directly by the Officers of the Inam Commission, or through the medium of the Revenue Authority of the Talooka in which the land or interest so held or claimed as exempt is situated, or in which the alleged proprietor resides, without any previous procedure, except a general invitation to such landholders of a District who shall hold or claim to hold lands exempt as aforesaid to state the nature of their titles.

5. But when such general invitation is not sufficiently attended to, a notice may be issued to any party holding or claiming to hold any lands or any interest therein wholly or partially exempt as aforesaid, requiring

ACT No. XII. OF 1852.

Passed by the Governor General of India in Council, on the 20th February 1852.

An Act to repeal Act No. II. of 1848, and to confer certain powers on the Commissioners for the Improvement of the Town of Calcutta.

WHEREAS by Section LXV. of Act No. X. of 1852 it is, among other things, enacted that certain funds therein mentioned should be applied by the Commissioners for the Improvement of the Town of Calcutta in cleansing, improving, and embellishing the said Town: And whereas it is expedient that the said Commissioners should be invested with further powers for the effectual accomplishment of the purposes aforesaid, It is hereby enacted as follows:

1. Act II. of 1848, and the Bye-Laws made in pursuance thereof, and the Regulation for the Good Order and Civil Government of the Settlement of Fort William in Bengal, passed in Council on the 28th day of October 1814, are hereby repealed. Act X. of 1852, repealing Act XVI. of 1847, shall not be construed so as to revive Act XXIV. of 1840.

II. The

II. The said Commissioners may, subject to confirmation or disallowance by the Governor of Bengal, nominate, appoint and employ, respectively, such Surveyors, Inspectors, and other necessary Officers and Servants as may be necessary or proper for the execution of the powers hereby vested in them; and such Surveyors, Inspectors, Officers and Servants shall receive such salaries as to the Governor of Bengal shall seem meet.

Commissioners to appoint Surveyors and other Officers.

III. The management and control over all the streets within the said Town of Calcutta, existing at the time of the passing of this Act, and of all parts of the said Town which shall hereafter become streets, and the pavements and other materials therein, and all erections and buildings, materials, implements or other things provided for the said streets by or under the authority of the Governor of Bengal, or by the Magistrates of Calcutta, or by the said Commissioners, and also the management and control of all public tanks, aqueducts and canals, and of all sewers and drains, whether public or private, now made or hereafter to be made within the said Town, are hereby vested in the said Commissioners for the purposes of this Act.

Commissioners to have management and control over streets, drains, &c.

IV. The said Commissioners, by and with the consent of the Governor of Bengal, may lay out, make, build and construct streets, and may alter and widen narrow streets, and may turn, divert, discontinue or stop up streets, within the said Town, regard being had to the compensation of owners of lands which may be required to be vested in the said Commissioners for any such purposes, and of owners of lands which may be damaged or deteriorated in value by the turning, diverting, discontinuing, or stopping up of any such streets,—and in case of dispute, the amount of such compensation shall be ascertained and paid in the manner and according to the provisions

Commissioners empowered to make or widen or stop up streets.

provisions contained in Act XXII. of 1847, which is hereby declared to be applicable to all claims for compensation made in respect of any acts done by the said Commissioners under the authority of this Act. Provided always, that it shall not be lawful for the said Commissioners, or any other person, to make or lay out any new street, unless the same, being a carriage road, be at least 50 feet wide, exclusive of the drains at the sides thereof, or not being a carriage road, be at least 20 feet wide, exclusive of the drains at the sides thereof.

Power to Commissioners to pave and water streets, &c., erect pumps, &c., and make convenient tanks, &c.

V. The said Commissioners, with the consent and approbation of the Governor of Bengal, shall pave, metal, and water such of the public streets existing in the said Town at the time of the passing of this Act, or at any future time, as they shall think fit; and it shall be lawful for the said Commissioners to excavate and provide convenient tanks or runs of water through the said Town, and to sink wells, and lay, erect, and place pipes, gutters, conduits and pumps in any of the said streets, and may remove and alter the same when and in such manner the said Commissioners shall think proper.

Power to Commissioners to purchase lands, &c., for the purposes of this Act.

VI. The said Commissioners, by and with the consent of the said Governor of Bengal, may, by agreement or in conformity with the provisions of Act XXII. of 1847, purchase or take absolutely or on lease, for such terms as they may think fit, any water-works, streams of water, lands, fixtures or other property which the said Commissioners may deem it necessary to purchase or take for any work or purpose which they are required or authorized to do and execute under this Act, or the said Act No. X. of 1852, and when the said Commissioners take and purchase any lands for the purposes of this Act otherwise than with the consent of the owners and occupiers thereof, they shall,

in

in exercising the powers so given, be subject to the provisions and restrictions contained in the said Act No. XXII. of 1847; and the said Commissioners shall make to the owners and occupiers of and all other parties interested in any such lands taken for the purposes of this Act, full compensation for the value of the lands so taken, and for all damages sustained by such owners, occupiers and other parties, by reason of the exercise, as regards such lands, of the powers vested in the Commissioners by this Act; and the amount of such compensation shall be determined in the manner provided by the said Act No. XXII. of 1847, for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the said Act No. XXII. of 1847 shall be applicable to determine the amount of any such compensation, and to enforce the payment or other satisfaction thereof.

Power to Commissioners to sell lands, &c.

VII. The Commissioners, by and with the consent of the Governor of Bengal, may sell or dispose of any lands or other property vested in or acquired by them under the powers herein, or in the said Act No. XXII. of 1847, contained, which it may appear to the Commissioners may be properly sold or disposed of; and for completing and carrying any such sale of lands into effect, the Commissioners may make and execute a conveyance of the lands sold and disposed of as aforesaid unto the purchaser, or as he shall direct, and such conveyance shall be under the hands of three of the Commissioners, and under the seal of the Commissioners, and a receipt, under the hands of three of the Commissioners, shall be a sufficient discharge to the purchaser of any such lands for the purchase-money in such receipt expressed to be received, and the money to arise from such sale shall be applied to such of the purposes of this Act as the Commissioners shall think fit.

VIII. The

ACT No. XIII. OF 1852.

***Passed by the Governor General of India in Council, on the 27th February* 1852.**

An Act for consolidating and amending the Regulations of the Calcutta Police.

WHEREAS it is expedient to consolidate and amend divers Rules, Ordinances, and Regulations which from time to time have been passed in Council, and registered in the Supreme Court, for the good order and civil government of the Presidency and Settlement of Fort William in Bengal, It is enacted as follows:

Laws repealed.

I. Section VIII. of Act XXI. of 1839, and the Rules, Ordinances, and Regulations for the good order and civil government of the Settlement of Fort William in Bengal, passed in Council, and registered in the Supreme Court, on the several days hereinafter mentioned, are repealed, but not so as to revive any other Rules, Ordinances, and Regulations thereby repealed.

ACT No. XIII. OF 1852.

List of Repealed Ordinances.

Date of passing in Council.	Date of Registry in the Supreme Court.
26th July 1814.	11th November 1814.
1st March 1816.	26th March 1816.
23rd March 1816.	13th April 1816.
14th June 1816.	8th July 1816.
19th October 1816.	12th November 1816.
28th March 1817.	21st April 1817.
13th January 1818.	7th February 1818.
9th July 1819.	22nd October 1819.
24th March 1820.	17th April 1820.
21st August 1821.	13th November 1821.
8th March 1827.	27th April 1827.

Justices of the Peace may make order of maintenance for wives and children.

II. If any person within the said Town, having sufficient means or employment, shall not duly maintain his wife or his legitimate or illegitimate children, and shall be thereof convicted before a Justice of the Peace, upon his own confession or the oath of one or more credible witnesses, the said Justice may make an order upon such person for the maintenance of such wife and children, or any of them, at such monthly rate as to the Justice seems reasonable, and upon non-compliance with the said order for any one month, or longer period, any Justice, by warrant under his hand and seal, may commit the person so convicted to the Common Gaol of Calcutta without labour, or to the House of Correction to hard labour, for any time not exceeding two Calendar months.

III. Every

Persons convicted of having or conveying stolen goods liable to penalty.

III. Every person who shall be brought before a Justice of the Peace charged with having in his possession, or in his premises with his knowledge, or with conveying in any manner anything which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an account to the satisfaction of such Justice how he came by the same, shall be deemed guilty of a misdemeanor, and, on conviction thereof before such Justice, shall be liable to a penalty not exceeding one hundred rupees, or, in the discretion of the said Justice, to imprisonment, with or without hard labour, for any time not exceeding three Calendar months.

Persons in whose possession stolen goods are found, to be examined, &c.

IV. When any person shall be brought before a Justice of the Peace charged with having in his possession, or in his premises with his knowledge, or with conveying anything stolen or unlawfully obtained, and shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, such Justice shall cause every such person, and also if necessary every former or pretended purchaser, or other person through whose possession the same shall have passed, to be brought before him and examined, and shall examine witnesses upon oath touching the same; and if it shall appear to such Justice that any person shall have had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained, such person shall be deemed guilty of a misdemeanor, and shall be liable to a penalty not exceeding one hundred rupees, or, in the discretion of the Justice, may be imprisoned, with or without hard labour, for any time not exceeding three Calendar months; every such person shall be deemed to have had possession of such thing at the time and place when and where the same shall have been found or seized, and the possession of a carrier, agent, or servant shall be deemed to be the possession

session of the person who shall have employed such carrier, agent, or servant to keep or convey the same.

On suspicion of goods being stolen or unlawfully obtained, Justice may grant search-warrant.

V. If information shall be given on oath to a Justice of the Peace that there is reasonable cause for suspecting that anything stolen or unlawfully obtained is concealed or lodged in any dwelling-house, building, or other place, such Justice, by special warrant under his hand, directed to any Police Officer or Constable, may cause such dwelling-house, building, or other place to be entered and searched at any time of the day, or by night, if power for that purpose be given by such warrant, and the said Justice, if it shall appear to him necessary, may empower such Police Officer or Constable, with such assistance as may be found necessary, (such Constable having previously made known his authority,) to use force for the effecting of such entry, whether by breaking open doors or otherwise, and if upon search thereupon made any such thing shall be found, then to convey the same before a Justice, or to guard the same on the spot, until the offenders are taken before a Justice, or otherwise dispose thereof in some place of safety, and moreover to take into custody, and carry before the said Justice every person found in such house or place who shall appear to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

Power to search houses for stolen property without a warrant in certain cases.

VI. If information shall be given to any Superintendent, Deputy Superintendent, or Inspector belonging to the Calcutta Police, that there is reasonable cause for suspecting that any stolen property is concealed or lodged in any dwelling-house or other place, and the said Superintendent, Deputy Superintendent, or Inspector shall have good grounds for believing that, by reason of the delay in obtaining a search-warrant, the property is likely to be removed, the said Superintendent, Deputy Superintendent, or Inspector,

ACT No. XIV. OF 1852.

***Passed by the Governor General of India in Council on the 27th February* 1852.**

An Act for extending the provisions of Acts XXIV. of 1841, *and XVII. of* 1843, *to the Straits Settlement.*

WHEREAS doubts have been entertained whether Acts XXIV. of 1841, and XVII. of 1843, are in force in the Settlement of Prince of Wales' Island, Singapore and Malacca; It is hereby enacted as follows:

I. The provisions of Acts XXIV. of 1841, and XVII. of 1843, shall be applicable and in force in the said Settlement.

II. All provisions contained in Act XXIV. of 1841, and Act XVII. of 1843, relating to Her Majesty's Supreme Courts shall be applicable to the Court of Judicature of the said Settlement, and shall be respectively construed as if, instead of the words Her Majesty's Supreme Courts, or Her Majesty's Supreme Courts of the respective Presidencies, or the Supreme Court of each of the Presidencies, the words," the Court of Judicature of Prince of Wales' Island, Singapore and Malacca," had been therein mentioned.

Calcutta, 1852.—Printed at the Bengal Military Orphan Press, by T. Carbery.

ACT No. XV. OF 1852.

Passed by the Governor General of India in Council on the 12th March, 1852.

An Act to amend the Law of Evidence.

WHEREAS it is expedient to amend the law of Evidence in divers particulars, It is hereby enacted as follows:

Repeal of part of Section I., Act VII. of 1844.

I. So much of Section I. of Act VII. of 1844 as provides that the said Act shall "not render competent any party to any suit, action, or proceeding individually named in the record, or any lessor of the plaintiff or tenant of premises sought to be recovered in ejectment, or the landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part," is hereby repealed.

Parties to be admissible witnesses.

II. On the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or other proceeding in any of Her Majesty's Courts of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence with respect to, or concerning any

suit,

suit, action, or other proceeding in any of such Courts, the parties thereto, and the persons in whose behalf any such suit, action, or other proceeding, may be brought or defended, shall, except as hereinafter excepted, be competent and compellable to give evidence, either *vivâ voce*, or by deposition, according to the practice of the Courts, on behalf of either or any of the parties to the said suit, action, or other proceeding.

Parties not compellable to criminate themselves. Husband and wife not compellable to give evidence for or against each other.

III. But nothing herein contained shall render any person, who in any criminal proceeding is charged with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall in any criminal proceeding render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband.

Act not to apply to proceedings for adultery or to actions for breach of promise of marriage.

IV. Nothing herein contained shall apply to any action, suit, or proceeding in any Court of Common Law, or in any Ecclesiastical Court, instituted in consequence of adultery, or to any action for breach of promise of marriage.

The Wills' Act not repealed.

V. Nothing herein contained shall repeal any provision contained in Act XXV. of 1838.

Courts authorized to compel inspection of documents in actions and other proceedings whenever Equity would grant discovery.

VI. Whenever any action or other legal proceeding shall henceforth be pending in any of Her Majesty's Courts, such Court and each of the Judges thereof may respectively, on application made for such purpose by either of the litigants, compel the opposite party to allow the party making

making the application to inspect all documents in the custody or under the control of such opposite party relating to such action or other legal proceeding, and, if necessary, to take examined copies of the same, or to procure the same to be duly stamped, in all cases in which previous to the passing of this Act, a discovery might have been obtained by filing a bill, or by any other proceeding in a Court of Equity at the instance of the party so making application as aforesaid to the said Court or Judge. Provided always, that every such application shall be made as aforesaid before issue joined in any such action, and twenty-one days before the trial or hearing of any other legal proceeding.

Foreign and Colonial Acts of State, judgments, &c., provable by certified copies, without proof of seal or signature or judicial character of person signing the same.

VII. All Proclamations, Treaties, and other Acts of State of any Foreign State, or of the East India Company, or of any Territory under the Government of the East India Company, or of any British Colony, and all judgments, decrees, orders, and other judicial proceedings of any Court of Justice in any Foreign State, or in any of the Territories under the Government of the East India Company, or in any British Colony, and all affidavits, pleadings, and other legal documents filed or deposited in any such Court, may be proved in any of Her Majesty's Courts of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence as aforesaid, either by examined copies, or by copies authenticated as hereinafter mentioned; that is to say, if the document sought to be proved be a Proclamation, Treaty, or other Act of State, the authenticated copy to be admissible in evidence must purport to be sealed with the Seal of the Foreign State, or of the East India Company, or of the Territory under the Government of the East India Company, or of the British Colony to which the original document belongs; and if the document sought to be proved be a judgment, decree, order, or other judicial proceeding of any Foreign or Colonial Court, or of any Court within the Territories under the

the Government of the East India Company, or an affidavit, pleading, or other legal document filed or deposited in any such Court, the authenticated copy to be admissible in evidence, must purport either to be sealed with the Seal of the Foreign or Colonial Court, or Court within the Territories under the Government of the East India Company to which the original document belongs, or in the event of such Court having no Seal, to be signed by the Judge, or if there be more than one Judge, by any one of the Judges of the said Court, and such Judge shall attach to his signature a statement in writing on the said copy that the Court whereof he is a Judge has no Seal; but if any of the aforesaid authenticated copies shall purport to be sealed or signed as hereinbefore respectively directed, the same shall respectively be admitted in evidence in every case in which the original document could have been received in evidence, without any proof of the Seal, where a Seal is necessary, or of the signature, or of the truth of the statement attached thereto, where such signature and statement are necessary, or of the judicial character of the person appearing to have made such signature and statement.

Registers of British Vessels and Certificates of Registry admissible without proof of signature.

VIII. Every Register of a Vessel kept under Act X. of 1841, or under any of the Acts of Parliament relating to the registry of British Vessels, may be proved in any of Her Majesty's Courts of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence as aforesaid, either by the production of the original, or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the person having the charge of the original, and which person is hereby required to furnish such certified copy to any person applying at a reasonable time for the same, upon payment of the sum of one Rupee; and every such Register, or such copy of a Register, and also every Certificate of Registry granted under the said Act or any of the Acts of Parliament relating to the registry of British Vessels, and purporting

porting to be signed as required by law, shall be received in evidence in any of Her Majesty's Courts of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence as aforesaid, as *primâ facie* proof of all the matters contained or recited in such Register, when the Register, or such copy thereof as aforesaid, is produced, and of all the matters contained or recited in or endorsed on such Certificate of Registry when the said Certificate is produced.

Where necessary to prove conviction or acquittal, not necessary to produce record, but Certificate of Clerk of Court.

IX. Whenever in any proceeding whatever it may be necessary to prove the trial and conviction or acquittal of any person charged with any indictable offence, it shall not be necessary to produce the record of the conviction or acquittal of such person, or a copy thereof, but it shall be sufficient that it be certified or purport to be certified under the hand of the Clerk of the Court or other Officer having the custody of the records of the Court where such conviction or acquittal took place, or by the Deputy of such Clerk or other Officer, that the paper produced is a copy of the record of the indictment, trial, conviction, and judgment or acquittal, as the case may be, omitting the formal parts thereof.

Examined or certified copies of documents admissible.

X. Whenever any book or other document is of such a public nature as to be admissible in evidence on its mere production from the proper custody, and no Statute or Act exists which renders its contents provable by means of a copy, any copy thereof, or extract therefrom, shall be admissible in evidence in any of Her Majesty's Courts of Justice, or before any person now or hereafter having, by law or by consent of parties, authority to hear, receive, and examine evidence as aforesaid, provided it be proved to be an examined copy or extract, or provided it purports to be signed and certified as a true copy or extract by the Officer to whose custody the origi-

nal is entrusted, and which Officer is hereby required to furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable sum for the same, not exceeding four annas for every folio of ninety words.

Certifying a false document a misdemeanor.

XI. If any Officer authorized or required by this Act to furnish any certified copies or extracts shall wilfully certify any document as being a true copy or extract, knowing that the same is not a true copy or extract, as the case may be, he shall be guilty of a misdemeanor, and be liable, upon conviction, to imprisonment for any term not exceeding eighteen months.

Court, &c., may administer oath.

XII. All Her Majesty's Courts within the British Territories under the Government of the East India Company, and every Judge and Justice of such Courts, and every Officer, Commissioner, Arbitrator or other person, now or hereafter having, by law or by consent of parties, authority to hear, receive, and examine evidence with respect to or concerning any suit, action, or other proceeding in any of such Courts, is hereby empowered to administer an oath to all such witnesses as are legally called before them respectively.

Persons forging seal, stamp, or signature of certain documents, or wilfully uttering the same, guilty of felony.

XIII. If any person shall forge the seal, stamp, or signature of any document in this Act mentioned or referred to, or shall tender in evidence any such document with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall, upon conviction, be liable to transportation for seven years, or to imprisonment for any term not exceeding three years, nor less than one year, with hard labour; and whenever any such document shall have been admitted in evidence by virtue of this Act, the Court, or the person who shall have admitted the same, may, at the request of any party

party against whom the same is so admitted in evidence, direct that the same shall be impounded and be kept in the custody of some Officer of the Court or other proper person, for such period, and subject to such conditions, as to the said Court or person shall seem meet; and every person who shall be charged with committing any felony under this Act may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence may be laid and charged to have been committed in the place in which he shall be apprehended or be in custody; and every accessory before or after the fact to any such offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence may be laid and charged to have been committed in any place in which the principal offender may be tried.

XIV. This Act shall come into operation from and after the tenth day of April, One thousand eight hundred and fifty-two,

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Calcutta, 1852.—Printed at the Bengal Military Orphan Press by F. Carbery

ACT No. XVI. OF 1852.

Passed by the Governor General of India in Council on the 12th March, 1852.

An Act for further Improving the Administration of Criminal Justice in Her Majesty's Courts of Justice in the Territories of the East India Company.

WHEREAS offenders frequently escape conviction on their trials, by reason of the technical strictness of criminal proceedings in matters not material to the merits of the case; and whereas such technical strictness may safely be relaxed in many instances, so as to insure the punishment of the guilty, without depriving the accused of any just means of defence; and whereas a failure of justice often takes place on the trial of persons charged with felony and misdemeanor by reason of variances between the statement in the indictment on which the trial is had, and the proof of names, dates, matters, and circumstances therein mentioned, not material to the merits of the case, and by the misstatement whereof the person on trial cannot have been prejudiced in his defence, It is hereby enacted as follows:

I. From

ACT No. XVI. OF 1852.

I. From and after the coming of this Act into operation, whenever, on the trial of any indictment for any felony or misdemeanor, there shall appear to be any variance between the statement in such indictment and the evidence offered in proof thereof, it shall and may be lawful for the Court before which the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defence on such merits, to order such indictment to be amended, according to the proof, by some Officer of the Court or other person, both in that part of the indictment where such variance occurs, and in every other part of the indictment which it may become necessary to amend, on such terms as to postponing the trial to be had before the same or another jury, as such Court shall think reasonable; and after any such amendment the trial shall proceed, whenever the same shall be proceeded with, in the same manner in all respects, and with the same consequences, both with respect to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance had occurred: provided that, in all such cases where the trial shall be so postponed as aforesaid, it shall be lawful for such Court to respite the recognizances of the prosecutor and witnesses, and of the defendant, and his surety or sureties, if any, accordingly, in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence respectively, and the defendant shall be bound to attend to be tried, at the time and place to which such trial shall be postponed, without entering into any fresh recognizances for that purpose, in such and the same manner as if they were originally bound by their recognizance to appear and prosecute, or give evidence, at the time and place to which such trial shall have been so postponed: Provided also, that where any such trial shall be to be had before another jury, the Crown and the defendant shall respectively be entitled to the same challenges as they were respectively entitled to before the first jury was sworn.

The Court may amend certain variances not material to the merits of the case, and by which the defendant cannot be prejudiced in his defence, and may either proceed with or postpone the trial to be had before the same or another jury.

II. Every

II. Every verdict and judgment which shall be given after the making of any amendment under the provisions of this Act, shall be of the same force and effect in all respects as if the indictment had originally been in the same form in which it was after such amendment was made.

Verdicts and judgments valid after amendments.

III. If it shall become necessary at any time, for any purpose whatsoever, to draw up a formal record in any case where any amendment shall have been made under the provisions of this Act, such record shall be drawn up in the form in which the indictment was after such amendment was made, without taking any notice of the fact of such amendment having been made.

Records to be drawn up in amended form, without noticing the amendments.

IV. In any indictment for murder or manslaughter preferred after the coming of this Act into operation, it shall not be necessary to set forth the manner in which, or the means by which, the death of the deceased was caused, but it shall be sufficient, in every indictment for murder, to charge that the defendant did feloniously, wilfully, and of his malice aforethought kill and murder the deceased, and it shall be sufficient in every indictment for manslaughter to charge that the defendant did feloniously kill and slay the deceased.

The means by which the injury was inflicted need not be specified in indictments for murder and manslaughter.

V. In any indictment for forging, uttering, stealing, embezzling, destroying, or concealing, or for obtaining by false pretences, any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile thereof, or otherwise describing the same, or the value thereof.

Forms of indictment in cases of forgery and uttering, stealing, and embezzling, or obtaining by false pretences.

VI. In

In engraving plates, &c.

VI. In any indictment for engraving or making the whole or any part of any instrument, matter, or thing whatsoever, or for using or having the unlawful possession of any plate, or other material upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been engraved or made, or for having the unlawful possession of any paper upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been made or printed, it shall be sufficient to describe such instrument, matter, or thing by any name or designation by which the same may be usually known, without setting out any copy or fac-simile of the whole or any part of such instrument, matter, or thing.

In other cases.

VII. In all other cases, wherever it shall be necessary to make any averment in any indictment as to any instrument, whether the same consists wholly or in part of writing, print, or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile of the whole or any part thereof.

Intent to defraud particular persons need not be alleged or proved in cases of forgery, uttering, or false pretences.

VIII. From and after the coming of this Act into operation, it shall be sufficient in any indictment for forging, uttering, offering, disposing of, or putting off any instrument whatsoever, or for obtaining or attempting to obtain any property by false pretences, to allege that the defendant did the act with intent to defraud, without alleging the intent of the defendant to be to defraud any particular person; and on the trial of any of the offences in this section mentioned, it shall not be necessary to prove an intent on the part of the defendant to defraud any particular person, but it shall be sufficient to prove that the defendant did the act charged with an intent to defraud.

IX. And

IX. And whereas offenders often escape conviction by reason that such persons ought to have been charged with attempting to commit offences, and not with the actual commission thereof; it is enacted, that if on the trial of any person charged with any felony or misdemeanor, it shall appear to the jury upon the evidence that the defendant did not complete the offence charged, but that he was guilty only of an attempt to commit the same, such person shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is not guilty of the felony or misdemeanor charged, but is guilty of an attempt to commit the same, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit the particular felony or misdemeanor charged in the said indictment; and no person so tried as herein lastly mentioned shall be liable to be afterwards prosecuted for an attempt to commit the felony or misdemeanor for which he was so tried.

A party indicted for felony or misdemeanor may be found guilty of an attempt to commit the same, and shall be liable to the same consequences as if charged with and convicted of the attempt only. No person so tried to be afterwards prosecuted for the same.

X. And whereas it is enacted by the 8th Section of Act XXXI. of 1838 that "on the trial of any person for any of the offences thereinbefore mentioned, or for any felony whatever where the crime charged shall include an assault against the person, it shall be lawful for the jury to acquit of the felony, and to find a verdict of guilty of assault against the person indicted, if the evidence shall warrant such finding": and whereas great difficulties have arisen in the construction of such enactment: for remedy thereof it is enacted that the said enactment shall be and the same is hereby repealed.

Repeal of the 8th Section of Act XXXI. of 1838.

XI. If upon the trial of any person upon any indictment for robbery, it shall appear to the jury upon the evidence that the defendant did not commit the crime of robbery, but that he did commit an assault with intent to rob, the defendant shall not by reason thereof be entitled to be acquitted,

On the trial of an indictment for robbery, the jury may convict of an assault with intent to rob: no person so tried to be afterwards prosecuted for the same.

acquitted, but the jury shall be at liberty to return as their verdict that the defendant is guilty of an assault with intent to rob, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for feloniously assaulting with intent to rob; and no person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried.

Person tried for misdemeanor not to be acquitted if the offence turn out to be felony, unless the Court so direct.

XII. If upon the trial of any person for any misdemeanor, it shall appear that the facts given in evidence amount in law to a felony, such person shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for felony on the same facts, unless the Court before which such trial may be had shall think fit, in its discretion, to discharge the jury from giving any verdict upon such trial, and to direct such person to be indicted for felony, in which case such person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanor.

Persons indicted for embezzlement, as a clerk, &c., not to be acquitted if the offence turn out to be larceny, and *vice versâ*.

XIII. If upon the trial any person indicted for embezzlement as a clerk, servant, or person employed for the purpose, or in the capacity of a clerk or servant, it shall be proved that he took the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of embezzlement, but is guilty of simple larceny, or of larceny as a clerk, servant, or person employed for the purpose, or in the capacity of a clerk or servant, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such larceny; and if upon the trial of any person indicted for larceny it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement, he shall not by reason thereof be entitled to be acquitted,

but

but the jury shall be at liberty to return as their verdict that such person is not guilty of larceny, but is guilty of embezzlement, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement; and no person so tried for embezzlement or larceny as aforesaid shall be liable to be afterwards prosecuted for larceny or embezzlement upon the same facts.

Upon an indictment for jointly receiving, persons guilty of separately receiving may be convicted.

XIV. If upon the trial of two or more persons indicted for jointly receiving any property, it shall be proved that one or more of such persons separately received any part of such property, it shall be lawful for the jury to convict upon such indictment such of the said persons as shall be proved to have received any part of such property.

Separate accessories and receivers may be included in the same indictment in the absence of the principal felon.

XV. And whereas it frequently happens that the principal in a felony is not in custody or amenable to justice, although several accessories to such felony or receivers at different times of stolen property the subject of such felony may be in custody or amenable to justice: for the prevention of several trials, it is enacted that any number of such accessories or receivers may be charged with substantive felonies in the same indictment, notwithstanding the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice.

Three larcenies from the same person within six months may be included in the same indictment.

XVI. It shall be lawful to insert several counts in the same indictment against the same person for any number of distinct acts of stealing, not exceeding three, which may have been committed by him against the same person within the space of six calendar months from the first to the last of such acts, and to proceed thereon for all or any of them.

XVII. If

XVII. If upon the trial of any indictment for larceny, it shall appear that the property alleged in such indictment to have been stolen at one time was taken at different times, the prosecutor shall not by reason thereof be required to elect upon which taking he will proceed, unless it shall appear that there were more than three takings, or that more than the space of six calendar months elapsed between the first and the last of such takings; and in either of such last-mentioned cases the prosecutor shall be required to elect to proceed for such number of takings, not exceeding three, as appear to have taken place within the period of six calendar months from the first to the last of such takings.

Where a single taking is charged, the prosecutor need not elect, unless where more than three takings, or more than six months between the first and last taking.

XVIII. In every indictment in which it shall be necessary to make any averment as to any money or any note of any bank, it shall be sufficient to describe such money or bank-note simply as money, without specifying any particular coin or bank-note; and such allegation, so far as regards the description of the property, shall be sustained by proof of any amount of coin or of any bank-note, although the particular species of coin of which such amount was composed, or the particular nature of the bank-note, shall not be proved, and in cases of embezzlement and obtaining money or bank-notes by false pretences, by proof that the offender embezzled or obtained any piece of coin or any bank-note, or any portion of the value thereof, although such piece of coin or bank-note may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, or to any other person, and such part shall have been returned accordingly.

Coin and bank-notes may be described simply as money.

XIX. In every indictment for perjury, or for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly taking, making, signing, or subscribing any oath, affirmation,

Simplifying indictments for perjury and other like offences.

affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what Court or before whom the oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing was taken, made, signed, or subscribed, without setting forth the bill, answer, information, indictment, declaration, or any part of any proceeding either in law or in equity, and without setting forth the commission or authority of the Court or person before whom such offence was committed.

As to form of indictments for subornation of perjury and other like offences.

XX. In every indictment for subornation of perjury, or for corrupt bargaining or contracting with any person to commit wilful and corrupt perjury, or for inciting, causing, or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously or corruptly to take, make, sign or subscribe any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient, wherever such perjury or other offence aforesaid shall have been actually committed, to allege the offence of the person who actually committed such perjury or other offence in the manner hereinbefore mentioned, and then to allege that the defendants unlawfully, wilfully, and corruptly did cause and procure the said person the said offence, in manner and form aforesaid, to do and commit; and wherever such perjury or other offence aforesaid shall not have been actually committed, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth or averring any of the matters or things hereinbefore rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury.

What defects shall not vitiate an indictment.

XXI. No indictment for any offence shall be held insufficient for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears

by the record," or of the words " with force and arms," or of the words " against the peace," nor for the insertion of the words " against the form of the statute," instead of " against the form of the statutes," or *vice versâ*, nor for that any person mentioned in the indictment is designated by a name of office, or other descriptive appellation, instead of his proper name, nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue, nor for want of a proper or formal conclusion, nor for want of or imperfection in the addition of any defendant, nor for want of the statement of the value or price of any matter or thing, or the amount of damage, injury, or spoil, in any case where the value or price, or the amount of damage, injury, or spoil, is not of the essence of the offence.

Formal objections to indictments shall be taken before jury are sworn ; Court may amend any formal defect.

XXII. Every objection to any indictment for any formal defect apparent on the face thereof shall be taken, by demurrer or motion to quash such indictment, before the jury shall be sworn, and not afterwards; and every Court before which any such objection shall be taken for any formal defect may, if it be thought necessary, cause the indictment to be forthwith amended in such particular by some Officer of the Court, or other person, and thereupon the trial shall proceed as if no such defect had appeared.

Provision as to traversing indictments.

XXIII. No person prosecuted shall be entitled to traverse or postpone the trial of any indictment found against him at any Session of the Peace, Session of Oyer and Terminer, or Session of Gaol Delivery; provided always that if the Court, upon the application of the person so indicted or otherwise, shall be of opinion

opinion that he ought to be allowed a further time, either to prepare for his defence or otherwise, such Court may adjourn the trial of such person to the next subsequent Session, upon such terms as to bail or otherwise as to such Court shall seem meet, and may respite the recognizances of the prosecutor and witnesses accordingly, in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence at such subsequent Session without entering into any fresh recognizance for that purpose.

Provision as to plea of *autrefois convict* or *autrefois acquit*.

XXIV. In any plea of *autrefois convict* or *autrefois acquit* it shall be sufficient for any defendant to state that he has been lawfully convicted or acquitted (as the case may be) of the said offence charged in the indictment.

Punishment for certain indictable misdemeanors.

XXV. Whenever any person shall be convicted of any one of the offences following, as an indictable misdemeanor; that is to say,—any cheat or fraud punishable at Common Law; any conspiracy to cheat or defraud, or to extort money or goods, or falsely to accuse of any crime, or to obstruct, prevent, pervert, or defeat the course of public justice; any escape or rescue from lawful custody, on a criminal charge; any public and indecent exposure of the person; any indecent assault, or any assault occasioning actual bodily harm; any attempt to have carnal knowledge of a girl under twelve years of age; any public selling, or exposing for public sale or to public view, of any obscene book, print, picture, or other indecent exhibition, it shall be lawful for the Court to sentence the offender to be imprisoned for any term now warranted by law, and also to be kept to hard labour during the whole or any part of such term of imprisonment.

Interpretation of terms.

XXVI. In the construction of this Act the word "indictment" shall be understood to include "information," "inquisition," and "presentment," as well as "indictment," and also

also any "plea," "replication," or other pleading; and the terms "finding of the indictment," shall be understood to include "the taking of an inquisition," "the exhibiting of an information," and "the making a presentment"; and wherever in this Act, in describing or referring to any person or party, matter, or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and shall be applied to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing; and the word "property" shall be understood to include goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed.

Commencement of Act.

XXVII. This Act shall come into operation from and after the tenth day of April, One thousand eight hundred and fifty-two.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F Carbery.

ACT No. XVII. OF 1852.

Passed by the Governor General of India in Council on the 12th March 1852.

An Act to diminish the expense and delay of proceedings in Her Majesty's Courts within the Territories of the East India Company.

I. IT shall be lawful for persons interested or claiming to be interested in any question cognizable in Her Majesty's Courts within the Territories of the East India Company, on the Equity, Plea, Ecclesiastical or Admiralty sides thereof respectively, and including among such persons all lunatics, married women, and infants in the manner and under the restrictions hereinafter contained, to concur in stating such question in the form of a special case for the opinion of the said Courts, and it shall also be lawful for all Executors, Administrators, Representatives, and Trustees to concur in such case

Persons interested in questions cognizable in Her Majesty's Courts may state special cases for the opinion of such Courts.

II. The Committee of the estate of any lunatic interested or claiming to be interested in any such question as aforesaid may, after having been authorized in that behalf by the Court or any Judge thereof in which such special case is filed, concur in such case in his own name, and in the name and on the behalf of the lunatic.

How lunatic may concur.

III. A husband interested or claiming to be interested in right of his wife in any such question as aforesaid may concur in such case in his own name and in the name of his wife where the wife has no claim to any interest distinct from her husband, and a married woman having or claiming any interest in any such question as aforesaid distinct from her husband may in her own right concur in such case, provided that her husband also concurs therein; but nothing herein contained shall be construed so as to require the husband of a Mahomedan or Hindoo female to concur in such case.

How married women may concur.

IV. The guardian of any infant interested or claiming to be interested in any such question as aforesaid may concur in such case in the name and on the behalf of the infant, unless such guardian has an interest in such question adverse to the interest of the infant therein.

How infant may concur.

V. It shall be lawful for the said Courts, by order to be made in the matter of any lunatic not found such by inquisition, or in the matter of any infant, upon the application of any person on the behalf of such lunatic, or upon the application of such infant, by motion or petition, to appoint any person shown by affidavit to be a fit person, and to have no interest adverse to the interest of the lunatic or infant, to be the special guardian of such lunatic or infant for the purpose of concurring in such case in the name and on behalf of the lunatic or infant, and any such person so appointed may lawfully so concur. Provided always, that it shall be lawful for the said Courts to require notice of such application to be given to such person, if any, as the Court shall think fit.

How special guardian to be appointed for a lunatic not found such by inquisition and for infant.

VI. In any case in which any such order as aforesaid shall have been made by the said Courts, in the matter of any infant without notice to the guardian of the infant, it shall be lawful for the said Courts, if they shall respectively think

Order to appoint special guardian of an infant may be discharged by Courts if made without notice.

think fit so to do, to discharge such order upon the application of such guardian, by motion or petition; and the said Courts, if they shall respectively think fit, may thereupon appoint some other fit person to be the special guardian of such infant for the purpose of such special case, and may also give such directions as may be necessary for substituting in such special case either the name of the guardian so applying, or of the special guardian so appointed, in lieu of the name of the special guardian so displaced. Provided always, that the discharge of any Order appointing a special guardian shall not invalidate any thing which shall in the meantime have been done by such special guardian, unless the Court shall, upon notice to all parties, specially so direct.

How special cases to be entitled.

VII. Every such special case shall be entitled as a cause between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; and in the title to such cases, lunatics and infants shall be described as such, and their Committees, guardians, or special guardians named; and where in any such case a married woman is named as a plaintiff, and her husband as a defendant thereto, a next friend of such married woman shall be named in the title to such case; but nothing herein contained shall be construed so as to require a next friend of any Hindoo or Mahomedan married woman to be named in such title.

Form of special case.

VIII. Every such special case shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby; and upon the hearing of such case, the Court and the parties shall be at liberty to refer to the whole contents of such documents; and the Court shall be at liberty to draw from the facts and documents stated in any such special case any inference which the Court might have drawn therefrom if proved in a cause.

IX. Every

IX. Every such special case to which an infant or lunatic is a party by his guardian or special guardian, shall also state how such guardian or special guardian was constituted; and where any married woman having or claiming any interest distinct from her husband is a party to such case, it shall be stated therein that she concurs in such case in her own right.

Special case to state how guardian constituted, and the concurrence of married women.

X. Every such special case shall be signed by Counsel for all parties, and shall be filed in the same manner as bills, plaints, or allegations are filed, and the defendants may appear thereto in the same manner as defendants appear to bills, plaints, or allegations, and no defendants shall be required to take an office copy of a special case, but an office copy thereof shall be taken by the plaintiff.

Special case to be signed by Counsel and filed, and appearances to be entered for defendants.

XI. After a special case shall have been filed, and the defendants shall have appeared thereto, all the parties to such special case shall be subject to the jurisdiction of the Court in the same manner as if the plaintiff in the special case had filed a bill, plaint, or allegation against the parties named as defendants thereto, and such defendants had appeared to such bill, plaint, or allegation, and upon the special case being filed and appearances entered thereto as aforesaid, all parties to such special case, shall, for the purposes of such special case, be bound by the statements therein.

Parties to be bound by statements after defendants have appeared to special case.

XII. So soon as all the defendants shall have appeared to the special case, the same may be set down for hearing, and subpœnas to hear judgment or notices of hearing, issued and served according to the practice of the said Courts.

How cases to be set down for hearing.

XIII. It

XIII. It shall be lawful for the said Court upon the hearing of any such special case as aforesaid, to determine the questions raised therein or any of them, and, by decree or judgment, to declare its opinion thereon, and so far as the case shall admit of the same, upon the right involved therein, without proceeding to administer any relief consequent upon such declaration, and every such declaration of the said Court contained in any such decree or judgment shall have the same force and effect as such declaration would have had, and shall be binding to the same extent as such declaration would have been if contained in a decree or judgment made in a suit between the same parties instituted by bill, plaint, or allegation; provided always, that if upon the hearing of such special case as aforesaid, the Court shall be of opinion that the statements contained therein so far as the same affect the interest of any married woman, infant, or lunatic are not true, or that the questions raised thereby or any of them cannot properly be decided upon such case, the same may be at such hearing, with the consent of all parties thereto, and of the Court, amended, so as properly to raise such questions, or the said Court may refuse to decide the same.

Upon hearing Court to determine question and make declaration.

Proviso that Court may refuse to decide.

XIV. Every executor, administrator, representative, trustee, or other person making any payment or doing any act in conformity with the declaration contained in any decree or judgment made or pronounced upon a special case, shall in all respects be as fully and effectually protected and indemnified by such declaration, as if such payment had been made or act done under or in pursuance of the express order of the said Court made in a suit, action, or proceeding between the same parties instituted by bill, plaint, or allegation, save only as to any rights or claims of any person in respect of matters not determined by such declaration.

Protection to be afforded to Trustees by declaration.

XV. Where

XV. Where any person shall be desirous to have a special case re-heard, or to appeal from the decision thereon, it shall be lawful for the said Courts respectively, upon application for that purpose, either at the time of the decree or judgment upon such special case being made, or at any time afterwards, and upon such conditions, if any, as the Court shall think fit, to order that the declaration contained in such decree shall not be acted upon for such time as the said Courts respectively shall think just.

The Court may suspend the acting upon declaration.

XVI. The filing of a special case, and the entering of appearances thereto by the persons named as defendants therein, shall be taken to be a *lis pendens*.

Special case to be a *lis pendens*, and may be filed.

XVII. Any documents referred to in a special case, and any copies thereof or extracts therefrom, identified by the signature of the solicitors for all parties, may be produced and read at the hearing of such case, without further proof; and it shall be lawful for the said Courts respectively, at any time after the filing of the special case, and the entering of appearances thereto by the persons named as defendants therein, to order any document, which may be admitted thereby to be in the possession of any party to such case, to be deposited and produced in such manner and for such purposes as the said Courts respectively shall think fit.

Mode of identifying documents, and Court may order production.

XVIII. It shall be lawful for the said Courts upon the application of the executors, administrators or representatives in estate of any deceased person, by order to be made upon motion or petition of course, and to be in the form or to the effect set forth in the Schedule hereto, with such variations as circumstances may require, to refer it to the Master of the said Courts respectively to take an account of the debts and liabilities affecting

Court, on application of Executors or Administrators, may by order of course direct it to be referred to a Master to take an account of debts and liabilities.

affecting the estate of such deceased person, and to report thereon; provided always, that no such order shall be made until the expiration of one year next after the death of such deceased person, or pending any proceedings to administer the estate of such person, and in case at any time after the making of such order, any decree or order for administering the estate of such deceased person shall be made, it shall be lawful for the said Courts respectively, by such decree or order, to stay or suspend the proceedings under such order of course on such terms and conditions, if any, as to the said Courts respectively shall seem just.

Master's Report may be objected to by motion to the Court, of which notice shall be given.

XIX. It shall be lawful for any person who may have come in before the Master under any such order, and claimed to be a creditor upon the estate of the deceased person, or to have any demand upon such estate by reason of any liability, and whose debt or claim may not have been wholly allowed by the said Master, to apply to the Court making such order by motion, of which notice shall be given within fourteen days after the filing of the Master's report, to have such claim allowed by such Court, either wholly or partially; and it shall be lawful for the said executors, administrators or representatives in estate, and for any creditor of the deceased person who may be authorized by special leave of the said Court so to do, to apply to the said Court by motion, of which notice shall be given within the time aforesaid, to have any debt or claim allowed by the said Master disallowed by the said Court, either wholly or partially, and, at the expiration of fourteen days after the filing of the said report, the same shall, except as to any debt or claim as to which any such notice as aforesaid may have been given, be absolute, as if the same had been confirmed by order of the said Court.

Proceeding of the Court on such motion.

XX. Upon the hearing of any such motion as aforesaid, the said Courts respectively may either dismiss such motion, or may order the debt or claim to which such motion relates

relates to be allowed or disallowed, as the case may be, and either wholly or partially, or may direct further inquiry or further proceedings, by way of action or otherwise, touching such debt or claim, and after such inquiry or proceedings may, upon further motion, deal with such debt or claim as to the said Courts respectively shall seem just: provided always, that no new evidence shall be received by the said Courts upon the hearing of any such motion without special leave of the said Courts.

If debts or certain liabilities allowed, and not paid or provided for, order may be made for payment or accounts.

XXI. In case any debt or any certain liability shall have been allowed as aforesaid, and shall not within fourteen days after the report has become absolute as to such debt or liability, or after the same shall have been allowed by the said Court, be paid or provided for by appropriation to the satisfaction of the person who has established such liability, it shall be lawful for the said Courts respectively by order to be made in case of any debt remaining due, upon the application by motion or petition of the person to whom the debt remains due, and on notice to the executors, administrators, or representatives in estate, and in case of any certain liability remaining unprovided for by appropriation upon the application by motion or petition of the person by whom such liability has been established, or of the executors, administrators, or representatives in estate, and on notice by the party applying to the other of them, to order payment of the debts which may have been allowed and remain unpaid, and to provide for the certain liabilities which may have been allowed and remain unprovided for, in like manner as the same could or might have been paid or provided for in a suit for that purpose instituted by bill, or to refer it to the Master to take an account of the debts and certain liabilities allowed as aforesaid which remain unpaid or unprovided for, and also the usual accounts of the estate of the deceased person, with all usual and proper directions; and every such order shall have the same force and effect and shall be prosecuted and carried on in like manner as a decree in a creditor's suit instituted by bill.

XXII. Nothing

Accounts to be taken according to usual practice of the Courts.

XXII. Nothing in Sections XVIII. and XXI. of this Act contained shall be construed so as to prevent any of Her Majesty's Courts from taking such accounts as aforesaid in any manner in which, according to the usual practice of such Courts, the same might have been taken if directed by decretal order made in a suit.

Court, on application of executors or administrators, &c., may direct appropriation of money to answer contingent liability.

XXIII. In case any contingent liability shall be allowed by the said report or by the said Courts respectively, it shall be lawful for the said Courts, by order, to be made upon the application of the executors, administrators, or representatives in estate, by motion or petition, on notice to the person who may have established such contingent liability, to order such sum of money, part, or proceeds of part, of the estate of the deceased person, as to the said Courts respectively shall seem just, to be set apart and appropriated for answering such contingent liability, and to give such directions as the said Courts shall think fit touching the payment of such sum of money into Courts, and the investment thereof, and the payment, application, or accumulation of the interest or dividends thereof in the mean time and until the same shall be required to answer such liability, and when such liability shall be ascertained or determined, to give such directions as to the payment of such sum out of Court as the said Courts respectively shall deem right: Provided always, that no order to be made as aforesaid shall in any manner bind the assets so appropriated as against the persons entitled to the estate of the deceased subject to the contingent liability; and any person interested in such appropriated assets may apply to the Court touching the same, as he may be advised.

Court may restrain proceedings against executors, administrators, &c.

XXIV. After the filing of such report as aforesaid, it shall be lawful for the said Courts respectively upon the application of the executors, administrators, or representatives in estate of the deceased, by order, to be made on motion, to restrain by in-

junction any proceedings at law against them by any person having or claiming to have any demand upon the estate of the deceased by reason of any debt or liability other than the persons who may have established contingent liabilities under the said order for which no appropriation may have been made.

Protection to be afforded to executors, administrators, &c.

XXV. In case no debt or liability, or no debt or liability other than a contingent liability, shall have been allowed as aforesaid, or in case any debt or liability other than as aforesaid shall have been allowed as aforesaid, then after the same shall have been paid or provided for by appropriation as aforesaid, all payments made by the executors, administrators, or representatives in estate, or any of them, on account of the estate of the deceased person, and all dispositions of such assets made by them or any of them on account of such estate, shall, as against all persons having or claiming to have any demand upon such estate by reason of any debt or liability, other than persons who may have established under the said order any contingent liability for which no such appropriation as aforesaid may have been made, be as good and effectual as if the same had been made under a decree of the said Courts respectively: Provided always, that nothing herein contained shall in any manner affect or prejudice the rights of any creditor or other person having any demand or claim upon the estate of the deceased against any assets so paid or disposed of, or against the persons to whom such payment or disposition may have been made, or against any assets appropriated under the provisions of this Act, and the appropriation of which, if made under a decree of the said Court, in a suit to which he was not a party, would not have been binding upon him.

Exceptions for scandal, impertinence and insufficiency to be heard by the Court.

XXVI. All exceptions for scandal, impertinence, and insufficiency, which according to the existing practice of the said Courts are referred to the Masters of the said Courts, shall not any longer be so referred, but shall be heard and determined in the first instance by the said Courts, or any Judge thereof.

XXVII. Notwithstanding

XXVII. Notwithstanding any rule or practice of the said Courts to the contrary, it shall be lawful for the said Courts respectively, at the hearing of any cause or of any further directions therein, to receive proof by affidavit or otherwise of all proper parties being before the Court, and of all such matters as are necessary to be proved for enabling the said Courts respectively to order payment of any moneys belonging to any married woman, and of all such other matters, not directly in issue in the cause, as in the opinion of the said Courts respectively may safely and properly be so proved.

Power for Court, notwithstanding any rule, &c., to the contrary, to receive proof by affidavit.

XXVIII. It shall be lawful for the said Courts respectively, from time to time, to make, rescind, and alter General Rules and Orders for better enabling the opinion of the said Courts respectively to be obtained on special cases, and for effectuating the purposes of this Act as to the debts and liabilities of deceased persons, and for making any provisions which may be or be deemed necessary or proper as to amendment, revivor and supplemental matter or relief, and as to costs of any proceedings under or in pursuance of this Act, and for regulating the times and form and mode of procedure and practice of the said Courts in respect of the matters to which this Act relates, and every of them, and so far as may be found expedient for altering the course of proceeding hereinbefore prescribed in respect to such matters or any of them, and generally for assimilating the practice of the said Courts respectively to that of the High Court of Chancery in England.

Her Majesty's Courts to make General Rules and Orders from time to time.

XXIX. All such General Rules and Orders shall be laid before the Governor General of India in Council within one month after the making and issuing of the same, and every such Rule or Order shall, from and after the time in that behalf to be appointed by the said Courts respectively, and

Rules and Orders to be laid before the Governor General in Council, and to be binding from the time appointed or from the making, unless objected to.

if

if no time shall be so appointed, then from and after the making thereof, be binding and obligatory on the said Courts respectively, and be of like force and effect as if the provisions therein contained had been expressly enacted by the Governor General of India in Council. Provided always, that if the said Governor General of India in Council shall, by any resolution passed at any time within six months after such Rules, Orders, and Regulations shall have been laid before him, resolve that the whole or any part of such Rules or Orders ought not to continue in force, in such case the whole or such part thereof as shall be so included in such resolution shall, from and after the time that such resolution is notified to the said Court, cease to be binding and obligatory on the said Court; provided that every such Rule or Order so made or expressed to be made in pursuance of this Act which shall not be laid before the Governor General of India in Council within the time by this Act limited for that purpose shall, from and after the expiration of such time, be absolutely void and of no effect. Provided always, that nothing in this clause contained shall be construed so that the said Rules or Orders should not be transmitted as heretofore to Her Majesty in Privy Council for approbation.

Until Rules or Orders are made, and if not applicable when made, practice to be according to this Act and practice of the Courts.

XXX. In the mean time and until any such General Rules or Orders shall be made, and in so far as the same, when made, shall not be applicable, the proceedings under this Act shall be governed and regulated by the provisions herein contained, so far as the same extend, and in so far as the same do not extend shall, as well with respect to the persons who ought to be made parties to special cases as in every other respect, be governed and regulated by the Rules, Orders and Practice of the said Courts respectively, in suits instituted by bill, so far as the same can be applied thereto; and subject to such General Rules and Orders as aforesaid, the costs of all proceedings under this Act, shall be in the discretion of the said Courts respectively.

XXXI. All

XXXI. All decrees and orders made under the provisions of this Act, shall be subject to rehearing, appeal, and review, and may be discharged and varied in the same and the like manner as decrees and orders of the said Courts made in suits instituted by bill.

Decrees and Orders to be subject to appeal, &c.

XXXII. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something either in the subject or in the context repugnant to such construction:

Interpretation of Terms.

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular number:

Words importing the masculine gender only shall include females:

The expression "Her Majesty's Courts" or "Courts" shall mean and include Her Majesty's Supreme Courts of Judicature at Bengal, Madras and Bombay, and also the Court of Judicature of Prince of Wales' Island, Singapore and Malacca:

The word "Lunatic" shall include idiots and persons of unsound mind, and whether found such by inquisition or not:

The word "Guardian" shall mean father or testamentary guardian, or guardian appointed by any of Her Majesty's Courts, (not being a special guardian appointed under the Provisions of this Act.)

XXXIII. This Act shall commence and take effect from and after the tenth day of April, One thousand eight hundred and fifty-two.

Commencement of Act.

ACT No. XVII. OF 1852.

SCHEDULE REFERRED TO BY THE FOREGOING ACT,

(Date.)

In the matter of A. B. late of in Banker (or as the case may be), deceased.

Upon motion this day made into this Court by Mr. of Counsel for C. D. of the executor (*or* administrator) of the abovenamed A. B. (*or* upon the humble petition of C. D. of the executor (*or* administrator) of the said A. B. this day preferred unto the Supreme Court of Judicature at (for the reasons therein contained,) it is ordered ; that it be referred to the Master of this Court to take an account of the debts and liabilities affecting the *(personal or the real estate of the said A. B. or his moveable and immoveable estate as the case may be)*, and to compute interest on such of the said debts and liabilities as carry interest, after the rate of interest the same respectively carry ; and the said Master is to cause an advertisement to be published in the Gazette and such other public papers as he shall think fit for the persons claiming in respect of any such debts or liabilities, to come in before the said Master and prove their debts and claims, and he is to fix a peremptory day for that purpose ; and such of the creditors as shall not come in and prove their debts and claims by the time so to be limited, are to be excluded the benefit of this order ; and it is ordered, that the Master do distinguish debts from liabilities, and liabilities certain from liabilities contingent ; and it is ordered, that the said estate of the said A. B. be applied in payment and satisfaction of such debts and liabilities of the said A. B. in a due course of administration ; and for the better taking the said accounts and discovery of the matters aforesaid the parties are to produce before the Master, upon oath, all deeds, books, papers, and writings in their custody or power relating thereto, and are to be examined upon interrogatories or *viva voce* as the said Master shall direct ; and any of the parties are to be at liberty to apply to the Court as there shall be occasion.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

BENG[illegible] SECRETARIAT LIBRARY

ACT No. XVIII. OF 1852.

Passed by the Governor General of India in Council on the 19th March 1852.

An Act to amend the Law relating to Pleaders in the Lower Provinces of the Presidency of Bengal.

WHEREAS the laws in force relating to pleaders, practising in the Courts of the East India Company, in the Lower Provinces of the Presidency of Bengal, require amendment, It is enacted as follows:

I. Clause 4, Section V. Regulation XXVI. of 1814, and Sections VI., VII., VIII., X., XI., XIII., XIV., XV., Clause 3, Section IX. and Clause 6, Section XX. of Regulation XXVII. of 1814, and Section XVIII. Regulation X. of 1829, of the Bengal Code, and Sections X. and XI. of Act I. of 1846, so far as regards the said Courts and the pleaders therein, are hereby repealed.

II. Any pleader practising in the said Courts shall be liable to dismissal on proof of his conviction by a competent Court of a criminal offence, or on proof of a declaration or finding by a competent Court, in a suit or proceeding to which such pleader was a party, that he has knowingly committed a breach of trust, or for fraudulent or dishonest conduct in the discharge of his professional duty.

III. When

III. When a competent Court has convicted a pleader of a criminal offence, or has declared or found, in a suit or proceeding to which such pleader was a party, that he has knowingly committed a breach of trust, the Court competent to dismiss such pleader may make an order for his dismissal, on the production of an authenticated copy of the judgment or decision containing such conviction, declaration, or finding, and on proof, to the satisfaction of the Court, that such judgment or decision has not been set aside or reversed, and that the pleader is the party to whom such conviction or decision relates.

IV. When any pleader is charged with fraudulent or dishonest conduct in the discharge of his professional duty, by any person or Court, the Court competent to make an order for his dismissal, shall serve, or cause to be served, upon such pleader a copy of the charge or charges brought against him, and also a notice of the day appointed by the said Court for the hearing of such charge or charges, and such copy and notice shall be served upon the said pleader at least twenty clear days before the day appointed for such hearing: and on the hearing of the said charge or charges the Court shall receive all such relevant evidence as shall be properly tendered by, or on behalf of the Court or party bringing the charge or charges, or by the said pleader, and shall proceed to adjudicate on the said charge or charges in a summary way, and shall record its decision, and the reasons on which the same is grounded. Provided always, that the Court which is competent to dismiss a pleader, shall also be competent to bring a charge or charges and proceed against him as aforesaid, and may also hear and adjudicate upon such charge or charges in manner hereinbefore mentioned. Provided also, that the evidence of witnesses on such hearing shall be taken and made upon oath, and every witness who shall give false evidence at such hearing shall be liable on conviction to punishment for perjury, in like manner as witnesses examined in civil or criminal trials.

V. The

V. The power of dismissing pleaders practising in the Sudder Court of the said Provinces is vested in the Judges of that Court; the power of dismissing pleaders practising in the Courts of the Zillah Judges, or in Courts subordinate to them, in the said Provinces, is vested in the Zillah Judges, respectively.

VI. An appeal from the order of any Zillah Judge, for the dismissal of a pleader, may be made to the Sudder Dewanny Adawlut, according to the Rules in force for the admission of appeals.

VII. It shall not be lawful for any of the said Courts of the Lower Provinces of the said Presidency to impose any fine on any pleader practising in the said Courts, except such fine as may be imposed under the provisions of Act XXX. of 1841.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XIX. OF 1852.

Passed by the Governor General of India in Council on the 19th March 1852.

An Act for securing the Abkarry Revenue of Madras.

FOR better securing the Abkarry Revenue of the Town and Suburbs of Madras, It is enacted as follows:

I. Regulation I. of 1813 of the Madras Code, and so much of Clause 159 of an Act of Parliament numbered Chapter LII. of the Statutes passed in the thirty-third year of King George the Third, as relates to the sale of Arrack or other spirituous liquors within the Town of Madras, and to the punishment of unlicensed traders in spirits or spirituous liquors within the said Town, are repealed.

II. The collection of the Revenue arising from the retail sale of spirituous or fermented liquors within the Town and Suburbs of Madras, shall be under the charge of the Collector of Madras, who shall perform the duties connected therewith under the control of the Board of Revenue.

III. The Collector may appoint Conicopolies, Pygusts, Jemadars, Peons and other Officers for collection of the said Revenue and prevention

of smuggling; and the Officers so appointed, besides their ordinary respective designations, shall be styled "Abkarry Officers."

IV. Every person who shall sell by retail any spirituous or fermented liquors within the Town and Suburbs of Madras without a licence for that purpose, under the hand and seal of the Collector of Madras, shall be liable to a fine not exceeding Five Hundred Rupees for each sale, but this enactment shall not apply to wholesale dealers selling such small quantities of Beer, Wine, or Spirits, as may appear to the Collector to be intended only as samples.

V. A sale of European Spirits in a less quantity than two and a half gallons old Wine measure, (*i. e.*, one dozen quart bottles,) and of Arrack or Rum or any other Spirits manufactured to the Eastward of the Cape of Good Hope in a less quantity than one quart, and of English and Foreign Beer or Wine in a less quantity than six quart bottles, and of Toddy in a less quantity than one quart, shall be deemed a retail sale within the meaning of this Act.

VI. The Board of Revenue shall have authority at all times to regulate the form and provisions of licences to be granted under this Act, and to alter and add to the conditions thereof; and each licence shall distinctly specify the kind or kinds of liquor the holder is authorized to sell, the manner in which and source whence such liquor is to be supplied to him, the excise duty not exceeding three rupees and eight annas per gallon, which he shall pay upon it, whether it be provided by the Officers of Government or otherwise, or should a fee upon the licence be substituted for the said excise duty, the amount of such fee. The licence shall further specify the district or place, street or road, and house or shop in which the sale is to be carried on.

VII. The

VII. The sale of Arrack or Rum, or other country Spirits, or of Toddy, in quantities larger than those specified for each article in Section V. of this Act, is prohibited; and every person who shall act in breach of this prohibition, shall be liable to the fine prescribed in Section XV. for the illicit possession of these articles; but this prohibition does not apply to the sale of spirituous or fermented liquors imported into Madras under passes from the Collector, or other Officer duly empowered in that behalf, and supplied by wholesale to licensed retail dealers, or to the sale of Rum under bond for exportation by sea, and covered by a certificate to that effect.

VIII. Every person taking out a licence for the retail sale of spirituous or fermented liquors or intoxicating drugs under this Act, shall execute a counterpart engagement in exact conformity with the tenor of such licence.

IX. The Collector may withhold or recall a licence, if any of the conditions upon which the licence is granted be not complied with, or, with the sanction of the Board of Revenue, for any other cause, giving fifteen days' notice of such withdrawal; and any person selling by retail any spirituous or fermented liquor within the Town and Suburbs of Madras, whilst such licence is withheld, or after it is recalled, shall be subject to all the penalties provided by this Act for the unlicensed sale of spirituous or fermented liquors.

X. No spirituous liquor manufactured Eastward of the Cape of Good Hope, shall be removed from the Sea Custom House to any Warehouse, Shop, or private dwelling, or from one Warehouse, Shop, or private dwelling to another, without the Permit of the Collector of Madras, which Permit must accompany all liquors so removed, but persons having paid the Sea Custom Duty shall be entitled to dispose of such

such liquor by wholesale for exportation beyond the limits of Madras and its Suburbs, such export to be made under permits to be granted by the Collector of Madras at his discretion, and on proof to his satisfaction that the spirits are intended to be exported.

XI. All spirituous liquors manufactured by the European method of distillation shall, when imported into the Town and Suburbs of Madras by land, be placed under the charge of the Collector of Sea Customs, who will have them gauged and tested. The said liquors may be either kept in the custody of the Importer on his furnishing security for their exportation or sale, under the provisions of Section II., Act XXXII. of 1845, or in the joint custody of the Collector of Sea Customs and the Importer, or they may be deposited in the Sea Custom Warehouse on payment of the usual Warehouse rent. When kept in such joint custody, or deposited in such Warehouse as aforesaid, no security for their exportation or sale shall be required, and the amount and nature of the security required to be furnished when such liquors are kept in the custody of the Importer, shall be fixed by the Governor of Fort St. George in Council, who shall also determine the time to be allowed for their exportation.

XII. It shall not be lawful for the Justices to grant a licence to open or establish, or keep open any Lodging House, Boarding House, Eating House, Punch House, Coffee Room, Tavern, Hotel, or any other House of Public Entertainment within their jurisdiction, in which any spirituous or fermented liquor may be sold, to any person who has not taken out a licence for the retail sale of such liquor, and any such licence granted by the Justices shall become void whenever the licence for the retail of such liquor granted to such person, shall be withheld or recalled by the Collector under this Act. Provided always that, on the representation of the Superintendent of Police to the Collector, that any such house of public entertainment as aforesaid is kept as a disorderly house,

ACT No. XX. OF 1852.

Passed by the Governor General of India in Council, on the 27th March 1852.

An Act to facilitate the Acquisition of Land needed for Public Purposes in the Presidency of Fort St. George.

I. WHENEVER it shall appear to the Governor of Fort St. George in Council that any land is needed for a public purpose, he shall make a declaration to that effect in a Minute of Council, and such declaration shall be conclusive evidence that the purpose for which the land is needed is a public purpose.

II. When a declaration has been made by the Governor in Council that any land is needed for a public purpose, if there shall be any hinderance to the immediate acquisition of such land by purchase from the parties interested therein, it shall be competent to the Governor in Council to order the land to be taken possession of on the part of Government, and applied to the purpose for which it is needed, leaving claims for compensation for the land to be determined as hereinafter provided.

III. When such order is passed by the Governor in Council it shall be sent to the Collector of the District in which the land lies, or to such other Officer as the Governor in Council shall think fit to appoint to carry it into execution; and the Collector, or other Officer so appointed, shall cause the land ordered to be taken to be marked out and measured, and possession to be taken thereof on behalf of Government, and the land shall thenceforward be vested absolutely in the Government, free and clear of all other estates, rights, titles, remainders, reversions, limitations, trusts and interests, and also of all mortgages, liens, or incumbrances whatsoever, of and in the land so taken as aforesaid; and any suit which may be instituted to recover the land so taken by Government, in any Court of Judicature, shall be dismissed with costs. Provided always, that nothing herein contained shall affect the liability of the party who may receive the value of any land so taken by Government, without having a good title to the same.

IV. As soon as the land has been marked out, the Collector, or other Officer appointed as aforesaid, shall cause the order in Council to be affixed in some conspicuous place upon the land, and published by proclamation in the neighbouring bazars and villages, with a citation, calling on all parties interested in the land to appear before him in person, or by authorized agents, on a certain day, not less than fifteen days after the date of citation, and to state the nature of their interests in the land required, and the amount and particulars of their claims to compensation for the same.

V. It shall be competent to the said Collector, or other Officer appointed as aforesaid, to admit any such claims that appear to him to be valid, and if he and all the parties interested in the land agree as to the compensation to be allowed to them respectively, to pass an award for the same.

VI. If

VI. If the said Collector or Officer shall judge any of the claims preferred to be inadmissible, and the parties interested in the land or any of them shall nevertheless persist in such claims, or if the said Collector or Officer, admitting the interests claimed, shall object to the compensation demanded for the same as excessive, the points in dispute shall be referred to the determination of arbitrators, to be appointed in the manner hereinafter provided.

VII. Two persons shall be chosen to act as arbitrators on the part of Government, by the Collector or other Officer duly appointed as aforesaid, and the party or parties claiming to be interested in the land taken shall be called upon by the said Collector or Officer to elect, within fifteen days, two persons to act as arbitrators on his or their part. If there be several parties interested as aforesaid, and they cannot agree within the required period in the election of persons to act as arbitrators on their behalf, then and in that case, each of them shall nominate one person, whom he may desire to act on his behalf, and the said Collector or Officer shall choose by lot, out of the persons so nominated by the parties aforesaid, or by any of them, two persons to act as arbitrators on behalf of the parties interested in the land. If only two persons shall be so nominated by the parties interested in the land, they shall be the arbitrators on behalf of such parties, whether the whole of the parties interested as aforesaid may or may not have been concerned in their nomination. If only one person shall be so nominated, then only one of the persons selected to act as arbitrators on the part of Government shall be employed on the duty. If the parties interested in the land shall refuse or neglect, or if by reason of minority, lunacy or absence from the Presidency, they shall be unable to make any nomination within the required period, then the said Collector or Officer shall and may select two impartial persons to arbitrate the matter between Government and the parties interested in the land.

VIII. Before

VIII. Before the arbitrators proceed to arbitrate, they shall be required by the said Collector or Officer to appoint an umpire for the decision of any points whereon they may differ in opinion, when the voices on each side shall be equal. If the arbitrators cannot agree in the selection of an umpire, the said Collector or Officer shall be authorized to choose some person to act as such.

IX. In cases wherein the arbitrators may differ in opinion, if the voices on each side shall be equal, the decision of the umpire on the point of difference shall be conclusive: in all other cases, the opinion of the majority of arbitrators shall determine the award.

X. The arbitrators shall hold their inquiry under the general superintendence of the Collector or other Officer appointed as aforesaid, who shall be competent to exercise towards them such powers and authority, for the purpose of securing their attendance, and the due completion of their award, as the Courts of Judicature may legally exercise towards persons summoned as witnesses before them, for the purpose of compelling such witnesses to attend and give evidence. It shall further be competent to the Officer presiding, in the event of any unnecessary delay on the part of arbitrators in determining any question referred to them, to call upon them to make their award within a specified time, and in default thereof, to refer such question to the umpire for his decision.

XI. The said Collector, or other Officer appointed as aforesaid, shall, on the application of the arbitrators, summon any witnesses whom the arbitrators may call for, and whom the parties may not be able to produce before them without such process. He shall also cause the proper forms of affirmation to be executed by any witnesses whom the arbitrators may desire to examine upon affirmation, or he may empower the

the arbitrators to administer or cause the execution of such affirmation, if the witnesses cannot with convenience attend before him. Any witness who shall refuse or omit to appear when duly summoned by such Collector or Officer, or who shall appear but shall refuse to execute the affirmation to be administered as aforesaid, or who shall refuse to give evidence, shall be liable to the same punishment which would be incurred under the Law by a witness refusing to appear or give evidence before a Court of Justice. Any person giving intentionally and deliberately a false deposition, under a solemn affirmation in any case referred to arbitration as above, and upon a point material to the issue thereof, shall be held to be guilty of perjury, and shall be liable to the penalties prescribed for that offence by Law; and any person causing or procuring another person to commit the offence of perjury, as above described, shall be guilty of subornation of perjury, and punishable according to Law.

XII. It shall also be competent to the Collector, or other Officer appointed as aforesaid, to demand from the parties interested in the land so taken as aforesaid, the production of any accounts, title-deeds, or other documents which may be required by the arbitrators for the purposes of their inquiry, and in the event of such accounts, title-deeds, or documents being withheld, and the fact of their existence being proved by information given upon solemn affirmation, to order the seizure of such accounts, title-deeds, and documents wherever they may have been deposited, in the manner prescribed by Section IX. Regulation IX. of 1822 of the Madras Code, and to exercise for that purpose the powers thereby vested in Collectors.

XIII. The arbitrators shall take into consideration the statements of the parties interested in the said land, and the objections of the Collector or other Officer aforesaid on behalf of Government, and after examining the evidence offered on both sides, and making any further

inquiry that may appear to them necessary, shall pass their award allowing or disallowing the interests claimed, and determining the total amount of compensation to be given for the interests allowed, the mode in which it is to be given, and, if to be given to more than one party, the shares of the total compensation which each party shall be entitled to receive.

XIV. The award of the arbitrators, or of the umpire if he shall be called upon to make an award, shall be binding and conclusive both upon the Government and the parties interested in the land, as respects the gross amount of the compensation to be paid by Government, unless the award shall be set aside by the Civil Court of the zillah upon a charge of corruption against the arbitrators or the umpire, as the case may be, brought by either party, and proved after due investigation, to the satisfaction of such Court; in which case the matter shall be referred for the determination of a second set of arbitrators, to be chosen in the same manner as the first, and their decision, whatever it may be, shall be final. No petition to set aside an award made under this Act shall be received by the Civil Court of the zillah, unless it be presented within thirty days from the date of the award complained of; and the said petition shall be presented on stampt paper of the value used for miscellaneous petitions, and shall be accompanied with a copy of the award objected to. The award of the arbitrators or umpire shall also be binding as respects the shares to be paid to the several parties interested in the land, unless upon a suit instituted within thirty days from the date of the award, in a competent Court, by any of the parties concerned, to alter the apportionment made by such award, an injunction shall be issued to suspend the payment until a decree is passed in the case.

XV. If any question arises as to the previous possession of or title to any land taken by Government under this Act, or if the parties or any

any of them interested in the land are minors, lunatics, or absent as aforesaid, and are not represented by their guardian, committee, attorney, or other person authorized in that behalf, or if there exist other grounds which, in the judgment of the arbitrators, render it improper to make immediate payment of the compensation awarded by them, or of any part thereof, to any of the parties interested in such land, the said arbitrators shall certify the same to the said Collector or Officer, under whose directions they may act, and in such case, or if for any such reason or any such ground as aforesaid, the said Collector or other Officer shall deem immediate payment improper, then the amount of compensation payable shall be held in deposit by Government, until the parties interested in the said land or some of them shall obtain an order of a competent Court for the payment of the same and interest (if any) to them. All sums held in deposit as aforesaid, exceeding in amount the sum of Five Hundred Rupees, shall be invested in Government Securities.

XVI. On the close of the inquiry, the arbitrators or umpire shall deliver to the Collector, or other Officer appointed as aforesaid, a full and complete report and award upon the questions submitted to their arbitration, under their respective signatures, specifying the amount of compensation to be granted, and, (except where under Section XV. it may appear proper to suspend payment,) the parties to whom it is to be made, and the proportions to be paid to each respectively, with a solemn declaration subscribed thereto, that the award so given is to the best of their judgment true and impartial, and according to the evidence adduced before them, and they shall at the same time deposit with the said Collector or Officer the whole of their proceedings.

XVII. All suits and proceedings instituted against Government to obtain compensation for land taken as aforesaid, other than such petitions to set aside awards as aforesaid, shall be dismissed with costs, but nothing herein

herein contained shall affect the rights of any party to recover the value of any land taken by Government from any person who may have received the same without having any title thereto.

XVIII. In the case of land declared by a Minute of the Governor in Council to be needed for a public purpose being acquired by the Government by bargain with and purchase from the parties apparently interested therein, the Collector, or Officer appointed by Government to receive possession of the same, shall cause proclamation to be made in the manner prescribed in the fourth Section of this Act, of the transfer of the land to Government by the said parties, and requiring all other persons who may claim any right, title, or interest in such land, to prefer their claims within one calendar month after such proclamation made; and any claims that may be preferred shall be dealt with under Section V. or under Section VI. and the following Sections of this Act. Provided always, that if no claim shall be made within one calendar month after such proclamation as aforesaid, the said land shall vest absolutely in the Government, free and clear of all other estates, rights, titles, remainders, reversions, limitations, trusts, interests, mortgages, liens or incumbrances whatsoever, of and in the said land so purchased; and any suit to recover the land so purchased by Government, or to obtain from Government compensation for the loss thereof, which may be preferred in any Court of Judicature, shall be dismissed with costs. But nothing herein contained shall affect the liability of the party who may receive the value of any land purchased by Government without having a good title to the same.

XIX. In cases referred to arbitration, under the provisions of this Act, any necessary expense which may attend the inquiry of the arbitration, whether for the diet of witnesses or otherwise, shall be paid by Government.

XX. The

XX. The provisions of Act XLII. of 1850 shall be applicable and in force within the Madras Presidency; and the said Act shall be construed as if instead of the words and figures "Regulation I. of 1824 of the Bengal Code," or "the said Regulation" therein mentioned, the number and title of this Act had been therein inserted.

XXI. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something either in the subject or context repugnant to such construction, (that is to say,)

Words importing the singular number only shall include the plural, and words importing the plural number only shall include the singular.

Words importing the masculine gender only shall include females.

The word "land" shall extend to tenements and hereditaments of any tenure, and all houses, buildings, walls, or appurtenances thereupon, as well as land.

The expression "party or parties interested in the land" shall be understood to mean all parties interested in the land either for life or for years, or in remainder, reversion, or succession, and all trustees, *cestui que* trusts, mortgagees, incumbrancers, leaseholders, or tenants, not being tenants by the month or at will of such land.

Calcutta, 1852.—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XXI. OF 1852.

Passed by the Governor General of India in Council, on the 16th April 1852.

An Act to authorize the Employment of Uncovenanted Deputy Collectors in the Presidency of Bombay.

WHEREAS the exigencies of the public Service require the employment of Uncovenanted Deputy Collectors in the Revenue Department within the Presidency of Bombay, It is hereby enacted as follows:

I. The Governor of Bombay in Council may appoint, in any Zillah or District within the said Presidency, one or more Uncovenanted Deputy Collectors, with the powers hereinafter mentioned.

II. Every person appointed a Deputy Collector under this Act shall, before entering upon the duties of his office, make and subscribe a solemn declaration to the same effect as the oath prescribed in Appendix A. annexed to Regulation XVI. of 1827 of the Bombay Code,—the words "the East India Company" being inserted in such declaration, instead of the words "the United Company of Merchants of England trading to the East Indies," and the words "United Company" in the said oath contained, and such declaration shall be made and subscribed either

either before Her Majesty's Supreme Court of Judicature for Bombay, the Court of Sudder Dewanny Adawlut of Bombay, any Judge on circuit in the Zillah in which such Deputy Collector may be appointed, the Judge, Collector, or Magistrate of that Zillah, or such other person as may be deputed or authorized by any order of the said Governor in Council to take or receive such declaration.

III. Deputy Collectors appointed under this Act shall discharge such of the duties and exercise such of the powers of the Covenanted Assistants in the Revenue Department, as shall be prescribed from time to time in each case by the Governor of Bombay in Council, and shall be subject to the same control and authority in all respects as such assistants respectively.

IV. Section XI. of Regulation XVI. of 1827, of the Bombay Code, shall be applicable to Deputy Collectors appointed under this Act, who shall hold their offices subject to the provisions of the said section.

V. No Deputy Collector appointed under this Act shall be dismissed from office without the sanction of the Governor of Bombay in Council. Whenever there is reason to believe that a Deputy Collector is disqualified, by neglect, incapacity, corruption, or other misbehaviour, for continuance in office, a report shall be made by his superior in the Revenue Department for the consideration and orders of the Governor of Bombay in Council, who shall be competent to suspend such Deputy Collector, and order a further inquiry into his conduct, or direct his immediate dismissal, as may appear just and proper.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by P. Carbery.

ACT No. XXII. OF 1852.

Passed by the Governor General of India in Council, on the 30th April 1852.

To avoid doubts as to the validity of certain decisions in summary suits for arrears of rent, and of certain sales of Putnee Talooks and other saleable tenures.

WHEREAS by Regulation VIII. of 1831, of the Bengal Code, the hearing and decision of summary suits or claims relating to arrears or exactions of rents were transferred from the Judges of the Zillah or City Courts to the Collectors of the several Districts; and whereas by Regulation VII. of 1832, of the Bengal Code, the superintendence of the sales of Putnee Talooks and other saleable tenures of the class specified in Clause 1, Section VIII. Regulation VIII. of 1819, of the same Code, was transferred to the Collector or Deputy Collector of Land Revenue, or Head Assistant to the Collector or Deputy Collector, subject to an appeal as therein provided; and whereas by Act VIII. of 1835 the conduct of sales of Talooks or other saleable tenures in execution of summary decrees for rent, in conformity with Regulation VII. of 1799 of the same Code, was transferred to the Collectors of Land Revenue; and whereas doubts have been entertained in some instances as to the District within which such summary suits or claims should have been decided, and such sales made, by reason that the jurisdiction of the several Zillah and City Courts

is

is not conterminous with the jurisdiction of the several Collectors of Land Revenue, It is enacted as follows:

I. No order or decision already made in any such summary suit, and no such sale as aforesaid, already made, which has not been questioned before a Court of competent judicature before the passing of this Act, on the ground of having been decided or made by a Collector of Land Revenue, his deputy or duly authorized assistant, having no jurisdiction therein, shall be liable to be annulled or disputed on that ground.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XXIII. OF 1852.

Passed by the Governor General of India in Council, on the 7th May 1852.

To authorize and empower the Governors in Council of the respective Presidencies of Madras and Bombay to mitigate or discharge fines, amerciaments, &c., imposed by the Supreme Courts, or any other Courts of Justice at Madras and Bombay respectively.

WHEREAS the Supreme Court of Judicature at Madras now hath certain power and authority to mitigate and discharge fines, amerciaments, forfeitures, and sums of money ordered, adjudged, set, imposed, or awarded by the said Supreme Court of Judicature at Madras upon, or against, any person or persons whomsoever for or by reason of any offences, misdemeanors, defaults, contempts, neglects, or forfeitures whatsoever; And whereas the Supreme Court of Judicature at Bombay hath certain power and authority to mitigate and discharge fines, amerciaments, forfeitures, and sums of money ordered, charged, adjudged, set, imposed, or awarded by the said Supreme Court of Judicature at Bombay upon, or against, any person or persons whomsoever for or by reason of any offences, misdemeanors, defaults, contempts, neglects, or forfeitures whatsoever; And whereas it is expedient that such respective powers and

and authorities should be exercised by the respective Governors in Council of the Presidencies of Madras and Bombay respectively, It is hereby enacted as follows:

I. The powers and authorities respectively exercised by the said Supreme Courts at Madras and Bombay, or by any other Courts of Justice at Madras and Bombay respectively, to mitigate and discharge fines, amerciaments, forfeitures and sums of money ordered, charged, adjudged, set, imposed or awarded by such Supreme Courts, or by any other Court of Justice at Madras and Bombay aforesaid upon, or against, any person or persons whomsoever, for or by reason of any offences, misdemeanors, defaults, contempts, neglects, or forfeitures whatsoever, shall henceforth respectively cease and determine.

II. It shall be lawful for the Governor in Council of the Presidency of Fort St. George at Madras to mitigate or discharge all fines, amerciaments, forfeitures, and sums of money which may have been or may hereafter be ordered, adjudged, set, imposed, or awarded by the said Supreme Court of Judicature at Fort St. George at Madras aforesaid, or by any other Court of Justice, or other person or persons there, having lawful authority to order, charge, adjudge, set, impose, or award fines, amerciaments, ransoms, forfeitures, penalties, or sums of money, for or by reason of any offences, misdemeanors, defaults, contempts, neglects or forfeitures whatsoever, as the Court of Exchequer in England, or the Chancellor or Barons thereof, may or can lawfully do in England. And the said Governor in Council may, by any order, cause a share or proportion of any fine imposed on any person or persons, for any delinquency or misdemeanor prosecuted to judgment, to be paid over to the prosecutor towards defraying his expenses occasioned thereby, as such Governor in Council shall think fit and expedient.

III. It shall be lawful for the Governor in Council of the Presidency of Bombay to mitigate or discharge all fines, amerciaments, forfeitures, and sums of money, which may have been or may hereafter be ordered, adjudged, set, imposed, or awarded by the said Supreme Court of Judicature at Bombay, or by any other Court of Justice, or other person or persons there, having lawful authority to order, charge, adjudge, set, impose, or award fines, amerciaments, ransoms, forfeitures, penalties or sums of money for or by reason of any offences, misdemeanors, defaults, contempts, neglects, or forfeitures whatsoever, as the Court of Exchequer in England or the Chancellor or Barons thereof, may or can lawfully do in England: And the said last-mentioned Governor in Council may, by any order, cause a share or proportion of any fine imposed on any person or persons for any delinquency or misdemeanor prosecuted to judgment, to be paid over to the prosecutor towards defraying his expenses occasioned thereby, as such Governor in Council shall think fit and expedient.

Calcutta, 1852 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XXIV. OF 1852.

Passed by the Governor General of India in Council, on the 14th May, 1852.

For amending and explaining Act XIV., 1839, and for the better prevention of Crimping.

FOR the amending and better understanding of Act XIV. 1839, and for the better prevention of the offence of crimping as hereinafter defined, It is declared and enacted as follows:

I. Any person who by force or fraud, unlawfully detains in any place or decoys to any place any Native of India, with intent to force or prevail upon him to enter into any service, or contract for service to be performed out of the Territories under the Government of the East India Company into which he was not minded to enter, without such force or fraud, or who, by means of false imprisonment, intoxication, intimidation, force or fraud, causes any Native of India to enter into any such service or contract for service, or who attempts, by force or fraud or by any false promise, pretence or representation, to cause any Native of India to depart either by land or water from the Territories under the Government of the East India Company, is a crimp, and guilty of crimping, within the meaning of this Act.

II. The departure of any person out of the Territories under the Government of the East India Company, by land or water, is Emigration from the said Territories within the meaning of Act XIV., 1839, and of this Act.

III. After

III. After the passing of this Act no person shall be liable to the penalties of Act XIV. 1839, for making, in good faith, any contract with any Native of India, for labor to be performed in any Foreign Settlement on the mainland of India, or for knowingly abetting or aiding any Native of India in emigrating from the said Territories to any such Foreign Settlement. Provided that if any person shall make any contract with any Native of India for service or labor to be performed by such Native out of the Territories under the Government of the East India Company, or cause any Native of India to depart from the Territories under the Government of the East India Company, or knowingly aid or abet such Native of India in emigrating from the said Territories to any such Foreign Settlement with intent that such Native shall afterwards depart from India, such person shall be deemed to be a crimp and guilty of crimping within the meaning of this Act, and proof of the subsequent departure of such Native from India, from any place out of the Territories under the Government of the East India Company within the period of six months from the time of the departure of such Native from the said Territories under the Government of the East India Company, shall be *primâ facie* evidence of such intent.

IV. Every crimp within the meaning of this Act is liable to be imprisoned for a term not exceeding six calendar months, and to pay a fine not exceeding five hundred rupees.

V. Every person who shall, by means of intoxication, false imprisonment, or intimidation, or by means of any false promise, pretence or representation, force or decoy any Native of India out of the Territories under the Government of the East India Company, or fraudulently cause any such Native to depart from the said Territories shall be liable to be imprisoned for a term not exceeding three years.

VI. In every case in which under this Act imprisonment may be awarded for any offence it shall be lawful for the Court, who may award such

such imprisonment, to sentence the offender to be kept to hard labor during the whole or such period or periods of such imprisonment as to such Court shall seem meet.

VII. In every case in which an offender shall be liable to be imprisoned under Section II., Act XIV., 1839, such offender shall be liable to be imprisoned, or imprisoned and kept to hard labor for a term not exceeding three months for every Native contracted with, provided that such imprisonment shall not in any case exceed six months for any one offence.

VIII. In every case in which any person shall commit an offence under Section II., Act XIV., 1839, as explained and amended by this Act, after having been previously convicted, either before or after the passing of this Act, of an offence under that Section, such person shall be liable, upon conviction before a criminal Court of competent jurisdiction, to be imprisoned, or imprisoned and kept to hard labor for any period not exceeding one year, and in every indictment, information or other proceeding for such an offence committed after such previous conviction, it shall be sufficient, after describing the offence, to state that the offender was at a certain time and place convicted of an offence under Section II., Act XIV., 1839, without otherwise describing such previous offence or conviction, and a certificate of the previous conviction, purporting to be signed by the Officer having the custody of such previous conviction, or by the deputy or legally authorized Assistant of such Officer, shall, with proof of the identity of the person of the offender, be sufficient *primâ facie* evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed such certificate.

IX. The term "Magistrate" in Act XIV., 1839 shall extend to Joint Magistrates and persons lawfully exercising the powers of a Magistrate.

Calcutta, 1852 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XXV. OF 1852.

Passed by the Governor General of India in Council, on the 14th May, 1852.

An Act for the execution of decrees made in appeal by Her Majesty in Council, or by the Courts of Sudder Dewanny Adawlut and of the Zillah and City Judges in the Presidency of Fort William in Bengal.

WHEREAS it is expedient to amend the law relating to the execution of decrees made and passed in appeal by Her Majesty in Council, and by the Courts of Sudder Dewanny Adawlut, and of the Zillah and City Judges in the Presidency of Fort William in Bengal, It is hereby enacted as follows:

I. Every decree or order in appeal of Her Majesty in Council, or of any Court of Sudder Dewanny Adawlut, or of any Zillah or City Judge which shall be made after the passing of this Act, and also every such decree or order in appeal which has been made before the passing of this Act, and for the execution or enforcement whereof no petition has been presented, shall be enforced and executed by the Court which made the first decree or order appealed from, in the manner and according to the rules and laws applicable to the execution and enforcement of original decrees or orders made by such last-mentioned Court.

II. Any party desirous of enforcing or obtaining execution of any such decree or order made in appeal as aforesaid, shall present a petition for that purpose to the Court which made the first decree or order appealed from, and the said petition shall be accompanied by a certified copy of the decree or order made in appeal, and sought to be enforced or executed.

III. An appeal shall lie from any decree or order made by such last-mentioned Court relating to the enforcement or execution of any such decree or order made in appeal as aforesaid in the same manner and subject to the same laws, rules and regulations as an appeal from an order or decree made upon a petition for the enforcement or execution of the decree or order first appealed from, would have been.

IV. Nothing herein contained shall be construed so as to prevent any Court of Sudder Dewanny Adawlut from enforcing or obtaining execution of a decree or order made or passed by Her Majesty in Council, if Her Majesty in Council shall think fit to decree or order the said Court of Sudder Dewanny Adawlut to enforce or execute the same.

V. The provisions of Section VIII., Act XXV., 1837 of the Bengal Code shall extend to proceedings under this Act.

VI. This Act shall apply only to the Presidency of Fort William in Bengal.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XXVI. OF 1852.

Passed by the Governor General of India in Council, on the 14th May, 1852.

An Act to amend the mode of procedure in the Courts of the Sudder Ameens and Moonsiffs in the Presidency of Fort William in Bengal, and to extend the powers of Principal Sudder Ameens in appeals referred to them.

WHEREAS it is desirable that the mode of procedure in original suits in the Courts of the Sudder Ameens and Moonsiffs in the Presidency of Fort William in Bengal, should be assimilated to the mode of procedure in such suits in the Courts of the Judges and Principal Sudder Ameens, and whereas it is desirable to extend to Principal Sudder Ameens power to issue an injunction for the revision of an original decision according to Clause 2, Section II., Regulation IX., 1831, in regard to appeals referred to them, It is hereby enacted as follows:

I. Sections XIX., XXI., XXII., XXIV., XXVII., XXIX., XXXV. and XXXVII., Regulation XXIII., 1814, and Clauses 1, 2, 3 and 5, Section XXV. of the same Regulation, and Section LXXIII. of the same Regulation, so far as it extends Clauses 1, 2, 3 and 5, Section XXV. and Section XXXV. of the same Regulation to Sudder Ameens, Clause 5, Section V., and Clause 3, Section XV., Regulation V., 1831, and so much of Clause 3, Section VIII. of the said Regulation V., 1831,

as

as relates to the Clauses and Sections of Regulation XXIII., 1814, hereinbefore mentioned, and Section VI. of the said Regulation V. 1831, except in so far as it rescinds Sections LVII., LVIII., and LIX. of the said Regulation XXIII., 1814, are hereby repealed.

II. All laws and rules now in force relating to the mode of procedure in the trial and decision of original Civil Suits in the Courts of the Judges and Principal Sudder Ameens, shall also apply to and regulate the mode of procedure in the trial and decision of original Civil Suits in the Courts of the Sudder Ameens and Moonsiffs.

III. Sections XIII. and XXI., Regulation III., 1793, Sections VII. and XI., Regulation VII., 1795, Sections XVII. and XIX., Regulation II., 1803, Sections VIII. and IX., Regulation VII., 1832, as extended by Act XXI., 1850, shall be applicable to suits and cases in the Courts of the Moonsiffs. Clause 2, Section IV., Regulation XXVI., 1814, relating to reviews of judgment shall also be applicable to the Courts of Sudder Ameens and Moonsiffs. Provided always, that if a Sudder Ameen or Moonsiff shall be of opinion that a review of his judgment ought to be granted, he shall report the case to the Judge, who is hereby authorized to permit such review under the same rules as are prescribed by the existing Regulations with respect to similar applications to the Court of Sudder Dewanny Adawlut.

IV. Every Sudder Ameen and Moonsiff shall have power and authority to try suits in which any Vakeel or Officer of his Court is a party, anything in Section VIII., Act VI., 1843, and in Clause 2, Section XV., Regulation V., 1831, to the contrary notwithstanding; and suits under Clause 1., Section XXX., Regulation II., 1819, may be referred to them by the Zillah Judge for trial and decision under the restrictions as to local jurisdiction and value of property mentioned in Clauses 1, 2 and 3, Section V., and Clause 2, Section XV., Regulation V., 1831.

V. Nothing

V. Nothing in this Act contained shall be construed so as to repeal or otherwise affect the rules regarding the dispensing with the use of stamp paper on certain documents in the Courts of the Moonsiffs contained in Clause 2, Section IX., Regulation V., 1831, or the rules for procuring the attendance of witnesses in the Courts of the Moonsiffs contained in Section II., Act XVII., 1845.

VI. Applicants for execution of decrees may file with their petitions an authenticated copy of the decree of which execution is sought to be taken out, and in such case it shall not be necessary to compare the petition with the decree contained in the original record of the suit, anything in Clause 7, Section XV., Regulation XXVI., 1814 to the contrary notwithstanding.

VII. Original suits referred to a Sudder Ameen under Clause 2, Section XV., Regulation V., 1831, shall be tried and determined in conformity with the Provisions of Regulation XXIII., 1814, and of this Act, anything in Clause 3, Section XV., Regulation V., 1831, to the contrary notwithstanding.

VIII. Nothing in this Act contained shall be construed to affect the mode of procedure in any case pending in the Courts of the Sudder Ameens and Moonsiffs at the time of the passing of this Act, but the mode of procedure in all such cases shall be governed by the law in force previous to the passing of this Act.

IX. The powers given to Zillah and City Judges, by Act VII., 1838, to issue an injunction for the revision of an original decision which has been found erroneous or insufficient according to Clause 2, Section II., Regulation IX., 1831, are extended to Principal Sudder Ameens in regard to all appeals referred to them.

X. This Act shall be deemed to extend only to the Bengal Presidency, and to refer only to the Regulations of the Bengal Code.

Calcutta, 1852.—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XXVII. OF 1852.

Passed by the Governor General of India in Council, on the 2nd July, 1852.

An Act to confer certain powers on Patels and other Heads of Villages in the Bombay Presidency.

WHEREAS it is expedient to confer certain powers on Patels and other heads of Villages in the Bombay Presidency, It is hereby enacted as follows:

I. From and after the passing of this Act, it shall be lawful for the Governor in Council of Bombay, by an order in writing, to authorize any Magistrate of a Zillah to issue a Commission to any person exercising the office of Patel, or charged with the administration of criminal justice within the limits of any Town, Village or Peth, in the said Presidency, empowering him to try any person charged with any of the offences hereinafter mentioned, and the said Magistrate shall forthwith issue the said Commission in accordance with such order.

II. It shall be lawful for every such Patel or other Officer, who shall have received from the Magistrate such Commission as aforesaid, to try any person charged with the offence of theft, assault, or abuse, when the

the value of the property stolen, or the amount of damages alleged to have been sustained, does not exceed rupees five, and also to try any person charged with the offence of resisting or refusing to obey any order of such Patel or other Officer as aforesaid. Provided always, that every charge of any such offence shall be preferred to such Patel or other Officer as aforesaid within eight days after the commission of such offence.

III. It shall be lawful for every such Patel or other Officer, who shall have received from the Magistrate such Commission as aforesaid, to order any person, convicted by him of any such offence as aforesaid, to pay a fine not exceeding five rupees, or to be placed in the stocks for any period not exceeding six hours, or to be detained in the chowkey of the Town, Village, or Peth, for any period not exceeding forty-eight hours.

IV. Such conviction shall be a bar to any other proceedings for the same offence.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XXVIII. OF 1852.

Passed by the Governor General of India in Council, on the 2nd July, 1852.

An Act to relieve the Court of Sudder Foujdaree Adawlut at Bombay from the superintendence of the Police in that Presidency.

WHEREAS it is expedient to relieve the Court of Sudder Foujdaree Adawlut at Bombay from the superintendence of the Police in that Presidency, It is hereby enacted as follows:

I. So much of Clause 1, Section XXVII. of Regulation XIII. of 1827, of the Bombay Code, as enacts that the Court of Sudder Foujdaree Adawlut shall superintend the administration of Police, and so much of Clause 4, Section XXVII. of the same Regulation as enacts that the Court of Sudder Foujdaree Adawlut shall furnish information to Government of the state of the Police in each Zillah, are hereby repealed.

II. From and after the passing of this Act, the superintendence of the Police in the said Presidency shall be vested in, and exercised by, the Goveraor in Council of Bombay, and for the better superintendence thereof, it shall be lawful for the said Governor in Council to appoint such persons as he shall think fit to control and superintend the said Police, subject to the Orders of the said Governor in Council, and to vest in such persons such power and authority for the purposes aforesaid, as to the said Governor in Council may seem proper.

Calcutta, 1852.—Printed at the Bengal Military Orphan Press, by J. Carbery.

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ACT No. XXIX. OF 1852.

Passed by the Governor General of India in Council, on the 2nd July, 1852.

An Act to amend the Law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay.

WHEREAS it is expedient to amend the law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay, It is hereby enacted as follows :

I. Section IX. of Regulation III. of 1830, and Sections II. III. IV. and V. of Regulation VIII. of 1833, of the Bombay Code, are hereby repealed.

II. It shall be lawful for the Governor in Council of Bombay to issue a Commission in writing to any one of the Judges of the Court of Sudder Foujdaree Adawlut, thereby directing and empowering him to exercise and perform all or any of the powers and duties of a Judge on Circuit, or of a visiting or Judicial Commissioner, under the provisions of Chapter IV. Regulation XIII. of 1827, Sections X. XI. and XII. Regulation III. of 1830, Section V. Regulation VIII. of 1831, and Sections VI. and VII. Regulation VIII. of 1833, of the Bombay Code, and all

all or any of the powers or duties now vested in and exercised by the Court of Sudder Foujdaree Adawlut.

III. It shall be lawful for the said Governor in Council of Bombay, in and by the said Commission, or by order in writing, to direct any Commissioner appointed as aforesaid to proceed on Circuit to any and such Zillahs in the said Presidency as shall be in the said Commission or Order named, and to prescribe the period of his return to the Court of Sudder Foujdaree Adawlut.

Calcutta, 1852 :—Printed at the Bengal Military Orphan Press, by F. Carbery.

ACT No. XXX. OF 1852.

Passed by the Governor General of India in Council, on the 16th July 1852.

An Act for the Naturalization of Aliens.

WHEREAS it is expedient to provide for the Naturalization of Aliens resident in the Territories under the Government of the East India Company, It is enacted as follows:—

I. Any person whilst actually residing in any part of the Territories under the Government of the East India Company may present a memorial to Government, praying that the privileges of Naturalization may be conferred upon him.

II. Such memorial shall state to the best of the knowledge and belief of the memorialist, his age, place of birth, place of residence, profession, trade or occupation, the length of time during which he has resided within the said Territories, that he is settled in the said Territories, or is residing within the same with intent to settle therein, and any other particulars which the Government may require to be stated therein, and such memorial shall be in writing and signed by the memorialist, and accompanied by an affidavit sworn by him, verifying the truth of the statements contained therein.

III. The

III. The memorial shall be considered by the Government to whom it shall be presented, who shall inquire into the circumstances of the case, and may require such evidence either by affidavit or otherwise as they may deem proper, in addition to the before-mentioned affidavit of the memorialist, to prove the truth of the statements contained in such memorial.

IV. The Government may, if they shall think fit, issue a certificate in writing reciting such of the contents of the memorial as they may consider to be true and material, and granting to the memorialist all the rights, privileges and capacities of Naturalization under this Act, except such rights, privileges or capacities, if any, as may be specially excepted in such certificate.

V. The certificate shall be delivered to the memorialist; and a copy or duplicate thereof, together with the memorial upon which the same shall be obtained, and any Affidavit which may accompany such memorial or be produced in support thereof, shall be filed by the Secretary to the Government, or such other Officer as the Government may direct; and such Secretary or Officer shall keep an alphabetical list of all persons who may be naturalized by such Government.

VI. If any material statement contained in such memorial shall be false, the Government may, if they think fit, by an order in writing, declare the certificate issued upon such memorial to be null and void to all intents and purposes, except such purposes, if any, as may be specially excepted in such order; and from and after such order all the rights, privileges and capacities derived through such certificate shall cease to exist.

VII. Such fees shall be payable in respect of the proceedings hereby authorized as shall be fixed by the Government.

VIII. Upon

VIII. Upon obtaining such certificate, and taking and subscribing the oath as hereinafter prescribed, the memorialist shall within the said Territories under the Government of the East India Company be deemed a natural born subject of Her Majesty as if he had been born within the said Territories, and shall be entitled within the said Territories to all the rights, privileges and capacities of a subject of Her Majesty born within the said Territories, except such rights, privileges and capacities, if any, as may be specially excepted in such certificate.

IX. Nothing in this Act contained shall be construed so as to deprive the Courts of the East India Company of jurisdiction over any such naturalized person, or to give to the Courts of Her Majesty any jurisdiction over any such person not otherwise subject to such jurisdiction.

X. Within sixty days from the day of the date of such certificate the memorialist named in such certificate shall take and subscribe the oath contained in the Schedule annexed to this Act.

XI. Such oath, as well as any other oath or affidavit required by this Act, may be administered by any Magistrate or Justice of the Peace within the limits of his jurisdiction, or by any other person to be appointed for that purpose by Government, and the person who shall administer the oath mentioned in the Schedule to this Act annexed shall grant to the memorialist a certificate in writing of his having taken and subscribed such oath, and of the date of his taking and subscribing the same, and shall forward to the Government the oath so taken and subscribed together with a duplicate of such certificate, which oath and duplicate certificate shall be filed and kept with the memorial.

XII. The word "Government" in this Act shall be deemed to mean the person or persons for the time being lawfully entitled to administer the

the executive Government in that part of the said Territories in which the memorialist shall reside at the time of presenting such memorial. The word "Magistrate" shall include any person lawfully exercising the powers of a Magistrate, and words denoting the masculine gender shall include the feminine.

XIII. In every case in which the word "oath" or "affidavit" is used in this Act, an affirmation to the same effect as the oath or affidavit required shall be sufficient in cases where the person required to make such oath or affidavit shall be a person allowed by law to affirm in civil cases, and in every such case such affirmation shall be made before the person authorized to administer the oath, and the word "oath" or "affidavit" wherever used in this Act shall include such affirmation.

SCHEDULE.

Oath.

I, A. B., of *(here state the description of the party)* do swear *(or being one of the persons allowed by law to affirm in civil cases, do affirm,)* that I will be faithful and bear true allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of these Territories as dependent thereon, and that I will be true and faithful to the East India Company.

(Signed) A. B.

Calcutta, 1852.—Printed at the Bengal Military Orphan Press, by T. Carbery.

ACT No. XXXI. OF 1852.

Passed by the Governor General of India in Council, on the 13th August 1852.

An Act to repeal Clause 17, Section XVI., Regulation XX. 1817 of the Bengal Code.

WHEREAS it is not expedient that Darogahs or other Police Officers should be entitled to a Commission on the value of property stolen or plundered which they may recover, It is hereby enacted as follows:

I. Clause 17, Section XVI., Regulation XX. 1817 of the Bengal Code is repealed.

Calcutta, 1852.—Printed at the Bengal Military Orphan Press, by P. Carbery.

ACT No. XXXII. OF 1852.

Passed by the Governor General of India in Council, on the 20th August 1852.

An Act to facilitate the prosecution of certain Ministerial and Police Officers for certain Criminal Acts.

WHEREAS it is expedient to enable the local Governments, and the head officers of departments or offices under Government, to prosecute their subordinate ministerial or police officers for acts of corruption, extortion, embezzlement, or other malversation, whether or not any charge be preferred by an aggrieved private party in respect of such acts, It is enacted as follows:

I. Whenever the local Government, or the head officer of a department or office under Government, shall be of opinion that there are good grounds for making a public enquiry into the truth of any imputation of corruption, extortion, embezzlement, or other malversation committed at any time during tenure of office, by any ministerial or police officer, subject to the jurisdiction of the Courts of the East India Company, and subordinate to such Government, or employed in such department or office, as the case may be, it shall be lawful for such Government, or any such head officer as aforesaid, to prosecute such officer on the part of Government

Government in a Criminal Court, or to nominate some person to conduct such prosecution; and it shall also be lawful for such Government, or head officer as aforesaid, in their or his discretion, to undertake on the part of Government the prosecution in a Criminal Court of any such charge, as aforesaid, which may be brought by an aggrieved private party against any such ministerial or police officer, and such prosecutions as aforesaid shall not be barred, or affected, by reason of the party prosecuted having ceased to be in the service of Government at the time at which the charge may be brought against him.

II. Provided always that no Collector, Magistrate, nor head of an office in the Salt, Abkarree, or Customs Department under the grade of Commissioner, shall commence or undertake a prosecution under this Act, until he shall have obtained the permission of the Court, Board, or officer to whom he is immediately subordinate, to institute the same.

III. No Collector, Magistrate, Judge, or other officer, who may prosecute any officer under this Act, or cause such prosecution to be instituted, or who may conduct any preliminary investigation into the conduct of such officer connected with such prosecution, nor any of his deputies, assistants, or subordinate officers, shall act as judge in any such prosecution.

IV. Nothing herein contained shall be construed so as to repeal or otherwise affect Regulations IX. 1822 and VII. 1828, of the Madras Code, and Act XXXVI. 1837, and the said Regulations and Acts shall remain in full force with respect to the malversations and offences in the Revenue Department to which they are applicable.

Calcutta, 1852.—Printed at the Bengal Military Orphan Press, by P. Carbery.

ACT No. XXXIII. OF 1852.

Passed by the Governor General of India in Council, on the 27th August 1852.

An Act to facilitate the enforcement of judgments in places beyond the jurisdiction of the Courts pronouncing the same.

I. EVERY party, who shall have obtained a judgment in any Court of Her Majesty, or of the East India Company, in any part of the territories under the Government of the East India Company, or in any Court established by the authority of the Governor General of India in Council in the territory of any foreign Prince or State, and who shall be unable to enforce or obtain satisfaction of the same by execution within the jurisdiction of such court, may enforce or obtain execution of the same in any part of the said territories under the Government of the East India Company in manner following:

II. The party may apply to the court, which shall have pronounced such judgment, for a copy thereof, and also for a certificate that satisfaction of such judgment has not been obtained by execution within the jurisdiction of the said court, also for a copy of any order for execution of such judgment that may have been passed, and, if necessary, for a translation of the said judgment and order for execution into the English language.

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The court, unless there be any sufficient reason to the contrary, shall cause such copy and certificate, and translation, if necessary, to be furnished, and the same shall be signed by the judge, or one of the judges of the court, and sealed with the seal of the court.

III. If such court shall be the principal civil court of original jurisdiction in the district, the judge shall describe himself accordingly in the certificate and shall also name the court and the district.

IV. If the court shall not be the principal civil court of original jurisdiction in the district, the copy of the judgment and of the order for execution, if any, the certificate of the judge, and the translation, if any, shall, without delay, be transmitted to the principal civil court of original jurisdiction in the district, and the judge, or one of the judges of such court shall issue a certificate under his hand and the seal of the court, verifying the signature of the judge of the court in which the judgment shall have been given to the documents above-mentioned; and in such certificate the judge signing the same shall describe himself as the judge, or one of the judges of the principal civil court of the district, and shall also name the court and the district.

V. All copies, translations, and certificates, which may be furnished by, or transmitted to the principal civil court of original jurisdiction in the district in which such judgment shall have been given, shall be transmitted by such court without delay to the principal civil court of original jurisdiction in the district in which the party may wish to have the judgment enforced or executed, and if such last-mentioned court be the Supreme Court of Judicature of either of the Presidencies, to the Prothonotary of the Court; and such court shall cause the said documents to be filed therein, without any proof of the judgment or order for execution, or of the copies thereof, or of the translations, if any, or of the seal or jurisdiction

tion of any court, or of the signature of any judge, unless the court, to which such documents shall be transmitted, shall, under any peculiar circumstances to be specified in an order, require the same.

VI. The copy of any judgment, or of any order for execution, when filed in the court to which it shall be transmitted for the purpose of being executed or enforced as aforesaid, shall for such purpose have the same effect as a judgment or order for execution made by such court, and may be enforced or executed by such court, or any court subordinate thereto, to which it may entrust the enforcement or execution thereof.

VII. When application shall be made to any of the said courts to enforce, or execute the judgment of any other court as aforesaid, the court to which the application shall be made, or referred, shall proceed to enforce or execute the same according to its own rules and mode of procedure in like cases; and the last-mentioned court shall take cognizance of, and punish, all wrongful acts or irregularities done or committed in enforcing and executing such judgment; and all persons disobeying or obstructing the enforcement or execution of any such judgment, shall be punishable by such last-mentioned court, in the same manner as if the said judgment had been pronounced by such court.

VIII. The decrees, of which execution is to be general of any Military Courts of Requests holden within the said territories under the Government of the East India Company, or mentioned in Section XVII. Act No. XI. 1841, may be enforced in the manner provided by this Act. No such decree, however, shall be enforced under this Act against the person of the debtor, if a soldier. In the case of a decree of a Military Court of Requests the copy, decree, and certificate, and translation, if any, shall be signed by the officer commanding the station or cantonment, who

who shall describe himself accordingly; and no proof of the decree, or of the signature or appointment of such officer, or of the jurisdiction of the court shall be necessary, unless the court to which the same may be presented shall think fit, under any peculiar circumstances to be specified in an order, to require the same.

IX. A petition for execution under this Act of any judgment of a moonsiff's court, or of any decree of a Military Court of Requests, may be written on plain paper.

X. An appeal shall lie from any order for the enforcement or execution of a judgment under this Act, in the same manner, and subject to the same rules and regulations, as if the judgment had been originally given by the court making such order.

XI. In this Act the word "judgment" means a judgment in a civil suit or proceeding, and includes any final decree or order in a civil suit or proceeding. The word "party" shall include any person who would be entitled to maintain a suit upon the judgment. The masculine gender shall include the feminine, and the singular number shall include the plural.

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ACT No. XXXIV. OF 1852.

Passed by the Governor General of India in Council, on the 10th September 1852.

An Act for the prevention of Gambling in the Settlement of Prince of Wales' Island, Singapore and Malacca.

WHEREAS the vice of gambling has much increased, and many gaming-houses have been established within the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca, for suppression of which the laws now in force are inadequate, It is enacted as follows:

I. Every person who, within the Settlement of Prince of Wales' Island, Singapore and Malacca, shall keep a common gaming-house, or any room or other place used for the purposes of a common gaming-house, or who shall have the care or management thereof, or shall in any manner conduct the business of any such common gaming-house, either as banker, shroff, croupier or otherwise, shall, on conviction before the Court of Quarter Session of the said Settlement, be punishable by imprisonment, with or without hard labor, for any term not exceeding six calendar months, or, in the discretion of the Court, to a fine not exceeding Five Hundred Dollars, and in default of payment of such fine, where a fine shall be imposed, the offender may be imprisoned by the said Court, with

with or without hard labor, either in the House of Correction or Her Majesty's Jail, for any period not exceeding six calendar months.

II. In default of other evidence proving any house, room, or place to be used as a common gaming-house, it shall be enough, in support of the allegation in any charge that any house, room, or place is a common gaming-house, to prove that such house, room, or place is kept or used for playing therein at cards, dice, poh, or any unlawful game, and that a bank is kept there by any one or more of the players exclusively of the others, or that the chances of any game played therein are not alike favorable to all the players, including among the players the banker or other person by whom the game is managed, or against whom the other players stake, play, or bet; and every such house, room, or place shall be deemed a common gaming-house.

III. Every person who shall be found in any such common gaming-house playing or gaming with cards, dice, counters, poh, money, or other instruments of gaming, or who shall be found there present for the purpose of gaming, or who shall be found gaming with cards, dice, counters, poh, money, or other instruments of gaming in any public street, place, or thoroughfare within the said Settlement, whether playing for any money, wager, stake or otherwise, shall be punishable, on conviction before the Court of Quarter Session of the said Settlement, by imprisonment for any term not exceeding three calendar months, or, in the discretion of the said Court, by fine not exceeding Two Hundred Dollars, and in default of payment of such fine, may be imprisoned by the said Court, with or without hard labor, either in the House of Correction or in Her Majesty's Jail, for any period not exceeding three calendar months; and any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

IV. Any

IV. Any Justice of the Peace of the said Settlement, upon information laid before him on oath that there is reason to suspect any house, room, or place within the said Settlement to be used as a common gaming-house, may, by his warrant, give authority to any Peace Officer of the said Settlement to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place, and to take into custody all persons whom he finds therein, whether or not then actually gaming; and to seize all instruments of gaming, and all moneys and securities for money found therein, and to search all parts of the house, room, or place which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed therein, and to search also the persons of those whom he so takes into custody, and to seize and take possession of all cards, dice, pohs, counters, and other instruments of gaming, which he shall find upon such search.

V. If any Peace Officer shall see any persons engaged in playing at cards, dice, poh, or other game, in any common gaming-house, it shall be lawful for such Peace Officer and his Assistants, without a warrant, to enter such gaming-house, and to apprehend all persons whom he shall find therein in the act or for the purpose of gaming, and to seize and take possession of all money and instruments of gaming found therein, or upon the persons of those so taken into custody; Provided that neither such Peace Officer nor any of his Assistants shall use force or violence for the purpose of gaining admittance into such gaming-house.

VI. When any cards, dice, pohs, gaming-table, or cloth, board, or other instruments of gaming are found in any house, room, or place, of which information has been given on oath to a Justice of the Peace that it is suspected of being used as a common gaming-house, or about the person of any of those who are found therein, it shall be evidence, until the

the contrary is made to appear, that such house, room, or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Peace Officer, or any of his Assistants.

VII. On conviction of any person for keeping any such common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein shall be destroyed by order of the Court of Quarter Session, which may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all moneys seized therein, to be forfeited; or in its discretion may order any part thereof to be returned to the parties appearing to have been severally thereunto entitled.

VIII. Any Officer of Police may arrest, without warrant, all persons whom he may see in the act of gaming in any common gaming-house, or in any public street, place, or thoroughfare in the said Settlement, and seize all cards, dice, pohs, counters, and instruments of gaming which he finds in their possession, and such cards, dice, pohs, counters, and instruments shall, on conviction of any of the parties, be forfeited.

IX. It shall not be necessary in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

X. Any person, who shall have been concerned in any unlawful gaming, and who shall be examined as a witness before the said Court of Quarter Session on the trial of any person or persons for a breach of any

of

of the provisions of this Act, and who upon such examination shall make true and faithful discovery, to the best of his or her knowledge, of all things as to which he or she shall be so examined, and who shall thereupon receive from the said Court a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such unlawful gaming.

XI. Any Justice of the Peace of the said Settlement, upon information laid before him upon oath charging any person with being the keeper or manager of a common gaming-house, or of any room or place used for the purpose of a common gaming-house within the said Settlement, may issue his warrant directed to any Peace Officer to apprehend any such person, and to bring him before such Justice, or any other Justice of the Peace of the said Settlement, to be dealt with according to law.

XII. Nothing in the foregoing provisions of this Act contained shall be held to apply to any game of mere skill played at licensed hotels, taverns, or eating-houses, or places of public resort within the said Settlement.

XIII. Every person who shall, by any fraud, or unlawful device, or ill practice, in playing at or with cards, dice, or other game, or in bearing a part of the stakes, wagers, or adventures, or in betting on the sides or hands of them that do play, or in wagering on the event of any game, sport, pastime or exercise, win from any other person, for himself, or any other or others, any sum of money or valuable thing, shall be deemed guilty of obtaining such money or valuable thing from such other person by a false pretence, with intent to cheat or defraud such person of the same, and, being convicted thereof, shall be punished accordingly.

XIV. No

XIV. No conviction, or other proceeding before the said Court of Quarter Session, under this Act, shall be quashed, reversed, or set aside, or adjudged void or insufficient for want of form, or be removed by *Certiorari* into Her Majesty's Court of Judicature of the said Settlement.

XV. The Court of Quarter Session shall, on conviction, have power to direct any portion, not exceeding one-fourth of any fine which shall be levied under the provisions of this Act, or any part of the moneys or proceeds of articles seized under the provisions of this Act, and ordered to be forfeited, to be paid to an informer; and the balance of such fines and moneys, or the whole thereof, as the case may be, shall be applied to the use of the municipal fund of the station within the said Settlement at which the same shall have been taken.

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BENGAL SECRETARIAT LIBRARY

ACT No. XXXV. OF 1852.

Passed by the Governor General of India in Council, on the 1st October, 1852.

An Act for the abolition of the Poll Tax within the towns of Akyab and Kyouk Phyoo, in the Province of Arracan, and for levying a Tax on lands covered by dwelling-houses within those towns.

WHEREAS it is expedient to abolish the poll tax now levied within the towns of Akyab and Kyouk Phyoo, in the Province of Arracan, and instead thereof to levy a tax upon land covered by dwelling-houses within the said towns; It is enacted as follows:

I. After the first day of May 1853, the levy of a poll tax within the towns of Akyab and Kyouk Phyoo, in the Province of Arracan, shall cease.

II. After the said first day of May 1853, a principal assistant of the district in which the same shall be situate shall from time to time, as he shall think fit, assess every dwelling-house within the aforesaid towns of Akyab and Kyouk Phyoo, respectively, at the rate of one pie and a half for every square cubit of land covered by such dwelling-house, the length of the cubit being estimated at eighteen inches: the amount of the said assessment shall be payable every year by the owner or occupier of

of such dwelling-house, by equal half-yearly payments to be made in advance.

III. In case of non-payment of the amount assessed upon any dwelling-house within eight days after the same shall have been demanded as hereinafter mentioned, it shall be lawful for a principal assistant of the district in which such dwelling-house shall be situate, to cause such amount, or so much thereof as shall remain unpaid, together with a reasonable sum for costs, to be levied by distress and sale of the goods and chattels, to whomsoever belonging, found in such dwelling-house, or upon the goods or chattels of the owner thereof, wheresoever they may be found within the said towns, respectively; or the owner of the said dwelling-house may be sued for the amount: provided that no distress shall be made upon the goods and chattels of any person, other than the owner of the dwelling-house, for more than the arrears of assessment for the preceding year.

IV. The demand above referred to shall be made in manner following:—A written demand, signed by a principal assistant of the district, or some officer authorized by him in that behalf, identifying the dwelling-house, and specifying the amount claimed, the dimensions of the land covered by the dwelling-house, and the period in respect of which the amount is claimed, shall be delivered by the officer appointed to collect the same to the tenant or occupier of the said dwelling-house, or in case the demand cannot be delivered to such tenant or occupier, or there be no tenant or occupier, the same may be fixed to some conspicuous part of the dwelling-house.

V. It shall be lawful for a principal assistant of the district in which any such dwelling-house shall be situate, or any officer who may be authorized so to do, by writing, signed by such principal assistant, at any reasonable time in the day-time, to enter into such dwelling-house, or

any

any land adjoining thereto, in order to measure or ascertain the extent of land covered by such dwelling-house.

VI. It shall be lawful for a principal assistant of the district in which any dwelling-house liable to be assessed under this Act shall be situate, to cause a number to be painted on or affixed to such dwelling-house, for the better identifying the same; and if any person shall wilfully remove, obliterate, or destroy such number, he shall be punishable by the principal assistant, or a magistrate, or any officer lawfully having the powers of a magistrate, by a fine not exceeding twenty rupees for every such offence, and in case of non-payment thereof, by imprisonment for any term not exceeding fifteen days.

VII. In case the amount of the said assessment, or any part thereof, shall be paid by any tenant, or the same be levied by seizure and sale of his goods and chattels, such tenant may deduct the amount of the payment or levy from the rent then due, or thereafter to become due, to his landlord; and such deduction shall be equivalent to payment of that amount; and the owner of any dwelling-house shall indemnify any person whose goods may be distrained for any assessment thereon, or who may pay such assessment in order to avoid a distress or sale of his goods for such assessment.

VIII. The Commissioner of Arracan may, at his discretion, exempt any building from assessment.

IX. No assessment made under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to assessment, or of anything chargeable with assessment, provided the directions of this Act be in substance and effect complied with; and no assessment nor proceedings nor other matter or thing had or done under this Act shall be removed by *certiorari*, or quashed, or set aside for want of

of form or error of procedure in any Court of Justice, but only on the merits.

X. An appeal shall lie to the Commissioner of Arracan by any one who shall feel aggrieved by anything done under this Act.

XI. For the purposes of this Act, the following shall be the boundaries of the towns of Akyab and Kyouk Phyoo, *viz.:*

The boundaries of Akyab—to the north, the Charoogya Creek; to the west, the said creek and a road running west and south until it joins the bund called Morton's Bund, which leads down to the sea-shore; to the south, the sea; to the east, the Akyab River and Harbour.

The boundaries of Kyouk Phyoo—to the north, the sea; to the east, Oon Khyoung or Salt Golah Creek; to the west, the cantonments; to the south, Kulabadong Lands, Kangyeendan Village, and Nga Tsoung's Grant.

Calcutta, 1852:—Printed at the Bengal Military Orphan Press, by F. Carbery.

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„ Residue of deposits, if not wholly spent, how to be disposed of, and in case of deficiency the same how to be recovered.	„	XVI.		
„ When shall the owners and occupiers, qualified to vote, apply to have their names entered in the lists of voters.	„	XVII.		
„ Voting Tickets, how obtainable by the voters.	„	XVIII.		
„ The voting Ticket a sufficient qualification for voting.	„	XIX.		
„ Voting Tickets how to be received at the election.	„	XX.		
„ Sheriff to be satisfied of the identity of the voter, who shall deliver the Ticket personally at the election.	... „	XXI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Calcutta Commissioners.—What persons shall be present to assist in the identification.	X.	XXII.		
„ Sheriff shall decide on receiving, or rejecting disputed votes.	„	XXIII.		
„ That candidate shall be elected for whom the greatest number of votes has been given.	„	XXIV.		
„ In case of equality in the number of votes, Governor of Bengal shall make the appointment..	„	XXV.		
„ Result of election how to be notified.	„	XXVI.		
„ Vacancy happening among Commissioners before December, how to be filled up.	„	XXVII.		
„ Powers of the Justices of the Peace under 158th Section 33rd George III. Cap. 52 hereby repealed, as regards the collection, levying and disbursement of Taxes, and those conferred on Commissioners under Act XVI., 1847, transferred to the Commissioners.	„	XXVIII.		
„ Justices of the Peace shall make quarterly assessment, and at what rate.	„	XXIX.		
„ Who shall be the President of the Commissioners, and have a casting vote when the Commissioners are equally divided in opinion. How many shall constitute a Meeting.	„	XXX.		
„ Salaries of Commissioners, and how to be paid.	„	XXXI.		
„ Commissioners shall appoint a Secretary (subject to the Governor's approval), and other Officers for carrying out the details of Assessment.	„	XXXII.		
„ Taxes and Penalties heretofore imposed under the said Act of Parliament, and Act XVI. 1847, how to be demanded and recovered.	„	XXXIII.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Calcutta Commissioners.—Owners of Houses, &c., shall pay the Assessments imposed on them by the Justices of the Peace.	X.	XXXIV.		
„ Lands and Houses or Buildings may be separately assessed, if separately owned.	„	XXXV.		
„ Justices may omit assessing tenements of trifling value...	„	XXXVI.		
„ Vacancy of Houses, &c., for 60 days will entitle the owners to a remission of rates for a quarter.	„	XXXVII.		
„ Assessments under this Act when to commence in supercession of the previous.	„	XXXVIII.		
„ Assessments made by a Justice of the Peace to be confirmed at a subsequent Meeting of the Justices, and the entries of such Assessments shall be a sufficient evidence thereof.	„	XXXIX.		
„ Justices may revise or confirm Assessments at meetings held after being publicly advertised.	„	XL.		
„ The books containing the proposed Assessment where to be kept open, and how long, for inspection of persons assessed.	„	XLI.		
„ When shall the taxes be due and payable...	„	XLII.		
„ Bills of Assessment to be presented to owners of premises on behalf of Commissioners.	„	XLIII.		
„ In case of non-payment, defaulters to be summoned...	„	XLIV.		
„ On the attendance of the parties, Commissioners shall, after inquiry, order payment of the whole or part of the demand, and in case of their non-appearance, may decide the claim as if the parties were present.	„	XLV.		
„ Commissioners or Justices may Summon and examine parties for				

obtaining

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
obtaining information concerning value of premises or other matters. Penalty for persons proved to have given evasive or false answers, or adopted measures for avoiding or delaying payments, and for non-attendance after receipt of Summons.	X.	XLVI.		
Calcutta Commissioners—Arrears of taxes, penalties and costs to be recovered by distress.	„	XLVII.		
„ What course shall the Bailiff take preparatory to selling the goods seized.	„	XLVIII.		
„ Proceeds of Sale how applicable. ..	„	XLIX.		
„ In what cases the Commissioners shall proceed against the defaulters in the Small Cause Court for the recovery of arrears of Taxes and Penalties.	„	L.		
„ Bills, Notices of demand, Summons, &c., may be addressed to the owner of the premises if his name be unknown. What will render Service of Bills, &c. sufficient.	„	LI.		
„ Distress not to be deemed unlawful nor the person making it a trespasser for want of form in the Notice, Bill, &c.	„	LII.		
„ Commissioners and Justices shall respectively make Rules for collecting the Taxes and assessing rates under this Act.	„	LIII.		
„ Goods and Chattels of the owners of Houses, &c., may be distrained any where for deficiency in the payment of rates.	„	LIV.		
„ How shall occupiers of premises, or others reimburse themselves when their goods may be distrained for arrears of Taxes.	„	LV.		
„ Persons on payment of a Fee may obtain certificates mentioning the last quarter for which Taxes on account of any premises have been paid...	„	LVI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Calcutta Commissioners.—What course to be adopted when goods liable to distress are concealed in the Zenana.	X.	LVII.		
„ Penalty for obstructing Commissioners, or their Officers and Servants in the performance of their duties.	„	LVIII.		
„ Commissioners shall sue and be sued in the name of their Secretary. ..	„	LIX.		
„ The Secretary may in such cases be admitted as witness.	„	LX.		
„ One month's previous notice necessary before issuing writs or processes against Commissioners or their Officers. Procedure of Court in matters of actions against Commissioners, &c., and liberty to them for making amends.	„	LXI.		
„ Commissioners and their Officers not personally liable to any action or claim for things done in execution of this Act.	„	LXII.		
„ In actions aforesaid the Defendant may plead the general issue. ..	„	LXIII.		
„ How the Defendant in such cases shall recover Costs if the judgment be in his favor, or if the Plaintiff be nonsuited.	„	LXIV.		
„ Surplus proceeds of Taxes after payment of Establishments, &c., shall be applicable to what purposes. ..	„	LXV.		
„ Definition of words used in this Act.	„	LXVI.		
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„ Commissioners to appoint Surveyors and other Officers.	XII.	II.		
„ Commissioners to have management of and control over streets, drains, &c.	„	III.		
„ Commissioners empowered to make, widen, or stop up streets.	„	IV.		
„ Power to Commissioners to pave and water streets, &c, erect pumps, &c. and make convenient tanks, &c.	„	V.		

Calcutta

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Calcutta Commissioners.—Power to Commissioners to purchase or hire lands, water-works, &c., for the purposes of this Act. Rules laid down for compensating Owners.	XII.	VI.		
„ Power to Commissioners to sell lands.	„	VII.		
„ Power to Commissioners to improve and cleanse, or to discontinue drains, &c.	„	VIII.		
„ Power to Commissioners to enter, examine and lay open houses, lands, &c., for the above purposes. Compensation to be made in certain cases.	„	IX.		
„ Power to Commissioners in cases of ruinous or dangerous buildings.	„	X.		
„ Commissioners may sell materials of ruinous buildings, &c., and how shall they apply the proceeds. ..	„	XI.		
„ Power to Commissioners to make canals, aqueducts, sewers, drains, &c.	„	XII.		
„ Power to Commissioners when constructing drains and aqueducts, without the Jurisdiction of Supreme Court.	„	XIII.		
„ Power to Commissioners to execute works by contract.	„	XIV.		
„ Power to Commissioners to contract for supply of water, and to grant leases for that purpose. ..	„	XV.		
„ Power to Commissioners to enter on lands adjacent to works for depositing materials.	„	XVI.		
„ In executing works under this Act, the Commissioners shall make convenient roads, watering-places, &c., for the use of the adjoining lands, and for irrigating those parts where the present roads, &c. may be interrupted thereby. Difference between Commissioners and owners of lands how to be settled.	„	XVII.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Calcutta Commissioners.—Power to Commissioners to make compensation out of Rates and Taxes for damages.	XII.	XVIII.		
„ Power to Commissioners to prosecute in certain cases.	„	XIX.		
„ Power to Commissioners to prefer bill of indictment in certain cases.	„	XX.		
„ Power to Commissioners to arrest unknown offenders without a warrant.	„	XXI.		
„ Power to Commissioners to enter and inspect bazars, slaughter-houses, &c., and to seize unwholesome articles exposed for sale. ..	„	XXII.		
„ Power to Commissioners to remove obstructions in streets.	„	XXIII.		
„ Power to Commissioners to fill up unwholesome tanks.	„	XXIV.		
„ Power to Commissioners to affix boards or plates to houses.	„	XXV.		
„ Power to Commissioners to kill dogs.	„	XXVI.		
„ Commissioners to repair streets, &c.	„	XXVII.		
„ Commissioners to take precaution when streets and drains are under repair.	„	XXVIII.		
„ Comissioners to light the town. ..	„	XXIX.		
„ Commissioners to keep town clean, remove dirt, &c.	„	XXX.		
„ Owners to prevent effluvia from drains, &c.	„	XXXI.		
„ Commissioners may prohibit improper burial-places.	„	XXXII.		
„ No vault or burial-place henceforth to be constructed without leave of Commissioners.	„	XXXIII.		
„ No writ to be sued out against them till after one month's notice, &c.; action to be brought within three months; Commissioners may tender amends.	„	XXXIV.		
„ Commissioners and their servants not to be personally liable when act done *bonâ fide*.	„	XXXV.		

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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Calcutta Commissioners—Streets, drains, filth, &c., the property of Commissioners as Trustees...	XII.	XXXVI.		
„ This Act not to exempt parties guilty of nuisance from prosecution or action.	„	XXXVII.		
„ Parties may make branch drains into public sewers as Surveyors of Commissioners shall order. Penalty for offences against this Section...	„	XXXVIII.		
„ Commissioners may contract with owners to make such drains at their expense.	„	XXXIX.		
„ Notice to be given to Commissioners before any new sewer or building is commenced as Surveyor shall direct.	„	XL.		
„ Penalties for following offences in streets:	„	XLI.		
„ For throwing dirt, &c., in streets..	„	„	1	
„ For throwing bottles, glass, &c. ..	„	„	2	
„ For keeping dirt, &c., in houses...	„	„	3	
„ For neglecting to keep private tatty, drain, &c., clean. . ..	„	„	4	
„ For allowing house or ground to be in a filthy or unwholesome state.	„	„	5	
„ For allowing offensive liquids to drain into tanks or water-works.	„	„	6	
„ For keeping common privy without Licence...	„	„	7	
„ For keeping common privies filthy.	„	„	8	
„ For destroying lamps or street boards, &c.	„	„	9	
„ For injuring streets, taking pavements, &c.	„	„	10	
„ For injuring, &c., any boards, &c., erected by Commissioners.	„	„	11	
„ For carrying filth through streets except at certain hours.	„	„	12	
„ For bathing in a public street. ..	„	„	13	
„ For washing animals, &c., in tanks or aqueducts.	„	„	14	

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Calcutta Commissioners—For indecently exposing person or committing nuisances in streets.	XII.	XLI.	15	
„ For allowing water to flow from houses or pipes on public streets, and for refusing to alter the direction of water-spouts.	„	„	16	
„ For projections over streets, &c., ..	„	„	17	
„ For projections over streets after passing of this Act.	„	„	18	
„ For washing carriages in public streets.	„	„	19	
„ For setting up boards, and scaffolding in streets without leave, &c.	„	„	20	
„ For not lighting obstructions when allowed...	„	„	21	
„ For erecting obstructions in streets, whether proprietor's right be in dispute or not.	„	„	22	
„ For exposing articles for sale in public streets, &c.	„	„	23	
„ In sifting or cleansing grain, &c. in public streets.	„	„	24	
„ For leaving vehicles, &c. in public streets.	„	„	25	
„ For making fires and discharging fire-arms and fire-works in streets.	„	„	26	
„ For sounding musical instruments or metals in streets.	„	„	27	
„ For affixing bills, or otherwise defacing houses, &c.	„	„	28	
„ For exposing unwholesome food, &c.	„	„	29	
„ For slaughtering in streets.	„	„	30	
„ For keeping a market unclean, &c.	„	„	31	
„ For keeping swine, &c. in the town.	„	„	32	
„ Bathing places at the river to be set apart.	„	XLII.		
„ Commissioners and Chief Magistrate may allow persons to put up posts on streets for illumination, on occasions of festivals or ceremonies.	„	XLIII.		

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	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1852.			
Calcutta Commissioners—Markets, bazars or slaughter-houses to be registered; penalty for not registering...	XII.	XLIV.		
„ Penalty for making and using any new slaughter-house within the Town, without the consent of Commissioners.	„	XLV.		
„ Owners of bazars, tanneries, &c., shall have sufficient drains... ..	„	XLVI.		
„ Penalty for establishing any new tannery, &c., in town.	„	XLVII.		
„ Doors on sides of streets to be made to open inward, and doors opening outward may be altered by the Commissioners.	„	XLVIII.		
„ Number of the house to be affixed thereto by the owner...	„	XLIX.		
„ Occupiers of houses paying a rent of 70 Rupees per mensem or upwards, to keep lamp lighted outside their gates in the streets.	„	L.		
„ Provision for repetition of offences.	„	LI.		
„ Penalty for obstructing Commissioners, or their Officers.	„	LII.		
„ No person liable for penalty unless complaint made within three months...	„	LIII.		
„ Manner in which damages, costs and expenses are to be ascertained.	„	LIV.		
„ Commissioners to publish short particulars of offences.	„	LV.		
„ All penalties not otherwise provided, may be recovered before Magistrate; form of procedure.	„	LVI.		
„ Manner of executing distress. ..	„	LVII.		
„ No distress unlawful for want of form.	„	LVIII.		
„ How penalties are to be applied...	„	LIX.		
„ Parties liable to penalty shall pay damage done to the properties of Commissioners also.	„	LX.		
„ Power to Justice to summon witnesses; penalty for not appearing.	„	LXI.		
„ Meaning of words in this Act. ..	„	LXII.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Calcutta Justice of the Peace may make order of maintenance for wives and legitimate or illegitimate children.	XIII.	II.		
„ Penalty for persons convicted of having or conveying stolen goods.	„	III.		
„ Persons in whose possession stolen goods are found, or through whose possession they may have passed, to be examined, and how punished on proof of their having unlawfully obtained the same.	„	IV.		
„ On suspicion of goods being stolen or unlawfully obtained, Justice may grant search warrant.	„	V.		
„ Power to search houses for stolen property without a warrant in certain cases.	„	VI.		
„ Extension of Acts XXI. of 1839, (Section III. excepted) and III. of 1842 to cases in which the property stolen does not exceed fifty Rupees in value.	„	VII.		
„ Extension of above Acts to the offence of receiving stolen property not exceeding fifty Rupees in value, and penalty of persons so offending on conviction... ..	„	VIII.		
„ Summary conviction of persons accessory to the commission of certain felonies...	„	IX.		
„ Corporal punishment of boys under sixteen years for stealing or receiving stolen property, or being accessory to other felonies punishable on summary conviction. ..	„	X.		
„ Penalty for assault, forcible entry or other injury, not being felony..	„	XI.		
„ Persons charged with recent assault may be apprehended by Police without warrant, though assault not committed in view of Deputy Superintendent or Inspector. ..	„	XII.		

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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Calcutta Justice of the Peace—Provision made against unlawfully taking or enticing away women or female children under the age of sixteen..	XIII.	XIII.		
„ Keeping open houses of public entertainment without licence. ..	„	XIV.		
„ Two or more Justices to grant licences.	„	XV.		
„ Penalty for parties not conforming to the tenor of their licence. ..	„	XVI.		
„ Penalty for permitting disorderly conduct and illegal harbouring of deserters in houses of public resort or entertainment...	„	XVII.		
„ Hours for sale of spirituous liquors and intoxicating drugs.	„	XVIII.		
„ Penalty for persons taking into Fort William spirituous liquors, &c., without a licence...	„	XIX.		
„ Penalty for taking spirits, &c., into the Gaol or House of Correction.		XX.		
„ Penalty for breaking Gaol.	„	XXI.		
„ Penalty for riotous or indecent behaviour in any street, police office, &c.	„	XXII.		
„ Peace Officers may take up persons of suspected or reputed bad character, without warrant... ..	„	XXIII.		
„ Penalty for beggars begging or exposing bodily deformities, &c., in public roads, streets, &c.	„	XXIV.		
„ Penalty for furious driving or riding in public streets and roads.... ..	„	XXV.		
„ Penalty for driving vehicles without lighted lamps at night.	„	XXVI.		
„ Provision for suppressing common gaming-houses.	„	XXVII.		
„ Proof of playing for stakes in common gaming-houses, unnecessary...	„	XXVIII.		
„ What articles, if found, shall be evidence that the house is a gaming-house.	„	XXIX.		
„ Penalty for gambling in the streets.	„	XXX.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Calcutta Justice of the Peace—Penalty for retail dealers using false or defective weights and measures. . .	XIII.	XXXI.		
„ Peace Officers may seize false weights and measures in retailing shops.	„	XXXII.		
„ May take cognizance of cases of desertion, or unauthorized absence from their ship of British or Foreign seamen.	„	XXXIII.		
„ Arms carried without leave, shall be forfeited.	„	XXXIV.		
„ Regulations for keeping clear the ghauts and landing-stairs, &c., of public resort.	„	XXXV.		
„ Penalty for Police Officers taking bribes.	„	XXXVI.		
„ Penalty for manufacturing or keeping in possession gun-powder or gun-cotton more than ten pounds, without licence.	„	XXXVII.		
„ Chief Magistrate may grant licence for sale or deposit of gun-powder, &c., up to certain quantities. ..	„	XXXVIII.		
„ Licences to be in force for one year, and to contain certain provisions.	„	XXXIX.		
„ May issue, on information, warrants to search for gun-powder, &c.	„	XL.		
„ Act not applicable to Government powder, &c.	„	XLI.		
„ Provision made for the deposit of gunpowder on board merchant vessels entering the "Hooghly."	„	XLII.		
„ Penalty for Commanders of merchant vessels acting contrary to the above provisions. Collector of customs may search for gunpowder unlawfully kept in vessels.	„	XLIII.		
„ Jurisdiction of—shall extend to offences committed in sea-going vessels in the river, ...	„	XLIV.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Calcutta Justices of the Peace.—Police Officer may arrest persons offending against this Act in his view without warrant; persons so apprehended to be taken first to the station-house, and if not admitted to bail, to the Police Office.	XIII.	XLV.		
„ Power to take recognizance at station-houses or Police lock-up on certain charges supposed to be false and malicious.	„	XLVI.		
„ Conditions of recognizance.	„	XLVII.		
„ Amends may be awarded for false or malicious charges or information.	„	XLVIII.		
„ Offences how to be tried by the—	„	XLIX.		
„ May proceed by summons, and if party does not appear, may determine the case, if not of a criminal nature, and in criminal cases, shall issue warrant.	„	L.		
„ How summons may be served. ..	„	LI.		
„ May issue warrant without summons.	„	LII.		
„ May enforce attendance of witnesses.	„	LIII.		
„ Powers to Magistrates to order prisoners to be brought up to the Police Office for examination. ..	„	LIV.		
„ Penalties and forfeitures how to be recovered in case of non-payment.	„	LV.		
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Carriage.—(See Tax.)				
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Claims of lunatics, married women, infants, and other persons against estates. (See Supreme Court.)				
Commission—Darogahs or Police Officers no longer entitled to—on the value of stolen property recovered by them.	XXXI.	I.	.....	Bengal Presidency.
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Court of Judicature—(See Straits Settlement.)				
Court of Sudder Foujdaree Adawlut relieved from the Superintendence of Police.	XXVIII.	„	.....	Bombay Presidency.
Courts of Justice at Madras and Bombay—mitigation of fines, &c. imposed by them. (See Supreme Courts.)				
Criminal Law.—The Court may amend certain variances not material to the merits of the case, and by which the defendant cannot be prejudiced in his defence, and may either proceed with, or postpone the trial to be had before the same or another jury.	XVI.	I.	.....	H. M.'s Courts.
„ Verdicts and judgments valid after amendments...	„	II.		
„ Records to be drawn up in amended form without noticing the amendments...	„	III.		
„ The means by which the injury was inflicted, need not be specified in indictments for murder and manslaughter; charge of facts sufficient.	„	IV.		
„ Forms of indictment in cases of forging and uttering, stealing, and embezzling or obtaining instruments by false pretences.	„	V.		
„ In engraving plates, making instruments, &c.	„	VI.		
„ Law in other cases of instruments.	„	VII.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Criminal Law.—Intent to defraud particular persons need not be alleged or proved in cases of forgery, uttering or false pretences. ..	XVI.	VIII.		
„ A party indicted for felony or misdemeanor may be found guilty of an attempt to commit the same, and shall be liable to the same consequences as if charged with, and convicted of, the attempt only. No person so tried to be afterwards prosecuted for the same.	„	IX.		
„ Section VIII. Act XXXI. 1838 repealed.	„	X.		
„ On the trial of an indictment for robbery, the jury may convict of an assault with intent to rob; if that be the offence proved, no person so tried to be afterwards prosecuted for the same.	„	XI.		
„ Persons tried for misdemeanor not to be acquitted if the offence turn out felony, unless the court so direct with a view to their being indicted for felony.	„	XII.		
„ Persons indicted for embezzlement, as a clerk, &c., not to be acquitted if the offence turn out to be larceny, and *vice versâ*..	„	XIII.		
„ Upon an indictment for jointly receiving, persons proved to have separately received property, may be convicted,..	„	XIV.		
„ Separate accessories and receivers may be included in the same indictment in the absence of the principal felon.	„	XV.		
„ Three larcenies by the same person within six months may be included in the same indictment.	„	XVI.		
„ When a single taking is charged, the prosecutor need not elect, unless when more than three takings				

shall

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
shall have happened, or more than six months between the first and last taking shall have expired. ..	XVI.	XVII.		
Criminal Law.—Coin and bank notes may be described in indictments simply as money.	„	XVIII.		
„ Simplifying indictments for perjury and other like offences.	„	XIX.		
„ As to form of indictments for subornation of perjury and other like offences...	„	XX.		
„ What defects or omissions shall not vitiate an indictment.	„	XXI.		
„ Formal objections to indictments shall be taken before jury are sworn; court may forthwith amend any formal defect.	„	XXII.		
„ Provision made as to traversing indictments.	„	XXIII.		
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„ Punishment for certain indictable misdemeanors.	„	XXV.		
„ Interpretation of terms...	„	XXVI.		
„ Act when to come into operation	„	XXVII.		
Criminal Powers of Patels and heads of villages... .. .. (See Patels.)	.....	....	.....	Bombay Presidency.
Crimping—Definition of the offence of—	XXIV.	I.		
„ Definition of Emigration within the meaning of Act XIV. 1839. ..	„	II.		
„ Penalty under Act XIV. 1839, for aiding and abetting emigration to foreign settlements on the mainland of India, removed; but aiding and abetting such emigration with a view to the emigrants departing from India within 6 months from the date of departure from the Company's Territories shall be deemed crimping.	„	III.		
„ Crimps how to be punished... ..	„	IV.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Crimping—Penalty for persons fraudulently decoying or causing to depart from the Company's Territories.	XXIV.	V.		
„ In cases of imprisonment the courts may sentence offenders to hard labor also.	„	VI.		
„ Period limited for imprisonment of offenders under Section II. Act XIV. 1839.	„	VII.		
„ Penalty for persons committing an offence under Section II. Act XIV. 1839, as explained and amended by this Act, after having been previously convicted...	„	VIII.		
„ Interpretation of the term "Magistrate" used in this Act.	„	IX.		
Customs Duties—Laws relating to—repealed.	I.	I.	.....	Bombay Presidency.
„ The levy of certain harbour dues, abkaree duties, municipal tax and tolls, not barred.	„	II.		
„ Governor in Council may appoint one or more Commissioners for the management of—	„	III.		
„ Governor in Council may appoint Collectors of Customs subject to the authority of the Commissioner or Commissioners.	„	IV.		
„ Governor in Council may appoint subordinate officers for the management of—under securities, and may transfer part of the duties and powers of one officer to another. Incumbent officers to continue in office until removed.	„	V.		
„ Governor in Council may delegate the powers vested in him to any Commissioner or Collector or other officer appointed under this Act, and all officers appointed by Commissioners or Collectors shall be subservient to the authorities by which they were appointed... ..	„	VI.		Customs

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Customs Duties—Penalty for obstructing officers in the exercise of their powers.	I.	VII.		
„ Penalty for offering bribes to Customs officers.	„	VIII.		
„ No action shall lie before the Supreme Court for acts done under this Act, but the same where to be tried and determined... ..	„	IX.		
„ Penalty for officers guilty of a wilful breach of the rules under this Act, or of obtaining considerations for doing or forbearing to do an official act.	„	X.		
„ Penalty for officers practising frauds for injuring the revenue.	„	XI.		
„ Confiscations and penalties under this Act by whom to be adjudicated, and the extent of powers of deputy and assistant Collectors in such cases, defined.	„	XII.		
„ Adjudicating officers may restore forfeited or detained goods, vessel, vehicle or other article on terms and conditions they may think fit. Acceptance of such terms by proprietors shall bar them from seeking damages by action.	„	XIII.		
„ In cases of vexatious seizures, the adjudicating officer may adjudge damages to be paid to proprietors by the Customs officers, who made such seizures, and in cases of warranted seizures may adjudge confiscation or mitigate it by imposing a penalty. Preceeds of sale or penalty how to be disposed of.	„	XIV.		
„ All penalties, except those specified in Section XIII., shall be adjudged by the Magistrate of the place where the offence shall have been committed.	„	XV.		

Customs

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1852.			
Customs Duties—Fines awarded against masters or owners of vessels or proprietors of goods, how to be enforced..	I.	XVI.		
„ No agent, except servants or clerks of persons, or mercantile firms, shall be allowed to enter or clear vessels or goods unless authorized by licence of the Collector.	„	XVII.		
„ Duties to be levied on goods imported by sea from ports not subject to the East India Company, or from Aden, Straits of Malacca, the Tenasserim or Arracan Provinces, according to Schedule A of this Act.	„	XVIII.		
„ Duties to be levied on goods exported by sea to ports beyond the Company's Territories, and to the ports or places referred to in the above Section, according to Schedule B. Ships of European nations having Firman privileges in the port of Surat, how to be dealt with. ..	„	XIX.		
„ Duties—Levy of—on country spirits imported from one of the Company's ports into another under the Bombay Government, how to be regulated.	„	XX.		
„ Anchorage toll shall be levied on vessels arriving from other ports specified by the Governor in Council,..	„	XXI.		
„ Goods specified in the Schedules not to be exempted from the payment of duties without the special order of the Government. Collector may pass free any passenger's personal baggage.	„	XXII.		
„ Salt which has paid the excise duty may be exported from one and landed at another port under the Presidency, under a certificate from the Customs Collector, and passed free into the interior. ..	„	XXIII.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Customs Duties.—Governor in Council may from time to time fix the value of articles liable to duty upon their value.	I.	XXIV.		
„ Abatement of customs how to be allowed on goods landed in a damaged state.	„	XXV.		
„ Goods for which no duty has been fixed or declared in the Schedules, shall be assessed according to the market value thereof.	„	XXVI.		
„ Penalty for importing or exporting goods without application in the prescribed form.	„	XXVII.		
„ Ad valorem goods shall be taxed according to the value declared in the application. What course to be adopted in cases of undervaluations in such applications. ..	„	XXVIII.		
„ What steps to be taken in cases of undervaluation in invoices of goods liable to duty upon their value. ..	„	XXIX.		
„ Double duty to be levied on goods intended to be shipped after port-clearance, and in such cases goods (Opium and Treasure excepted) which are free or have already paid import duty or been imported free, how to be dealt with.	„	XXX.		
„ Cargoes of vessels put back after clearance, how to be dealt with. ..	„	XXXI.		
„ Duty levied on goods re-landed before port-clearance shall be refunded to the exporter, but not after port-clearance except as mentioned.	„	XXXII.		
„ Goods exported in the same vessel in which they were imported, if manifested for re-export, and transhipment of such goods, how to be dealt with.	„	XXXIII.		
„ Period limited for preferring claims for repayment of duties levied under wrong construction of law..	„	XXXIV.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1852.			
Customs Duties.—Rule for the payment of drawback upon re-export of goods by sea.	I.	XXXV.		
„ Penalty for falsifying any invoice, entry, cocket or other document for clearing goods.	„	XXXVI.		
„ Collector may grant duplicates of lost Custom House documents upon payment of fees; and may authorize amendments in import and export applications.	„	XXXVII.		
„ Masters of vessels on arrival at the port shall immediately furnish certain information mentioned. Penalty for delaying or refusing to to do so...	„	XXXVIII.		
„ Masters of vessels shall within 12 hours after arrival report the quantity of gunpowder they have on board. The same in excess of 5 seers how to be dealt with.	„	XXXIX.		
„ Masters of vessels on arrival shall deliver to the proper Customs Officer certificates of registry or pass under which the vessels may have sailed; and also manifests of cargoes...	„	XL.		
„ Penalty for false specification of goods in the manifest...	„	XLI.		
„ Penalty for non-delivery of manifests within the limited time after vessels have come to anchor.	„	XLII.		
„ Collector may refuse inward entry and order for discharge of cargo, until delivery of manifest and other necessary documents.	„	XLIII.		
„ Application containing certain particulars to be made by Masters for entitling vessels to entry outwards, or receiving on board goods for export.	„	XLIV.		
„ In cases of vessels bound for ports within the Company's Territories, the Master and Owner or Consignee				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
shall give a joint bond for producing a certificate of their arrival at their destined ports within the prescribed time. Penalty for the non-production of such certificates. ..	I.	XLV.		
Customs Duties.—Penalty for landing or shipping goods without order and entry of the vessels.	,,	XLVI.		
,, Penalty for landing or shipping goods after entry, in contravention of the prescribed forms and rules.	,,	XLVII.		
,, Penalty to which Masters shall be liable if goods entered in the manifest be not forthcoming, or be found short, or goods be landed at any other than the Custom House, or other place prescribed by the Collector.	,,	XLVIII.		
,, Penalty for loading or unloading goods at any other than the prescribed hours and days.	,,	XLIX.		
,, Goods sent from boardship shall be accompanied by a boat-note from an Officer of the vessel, and the Customs Officer on board, if there be one; goods without a boat-note or proceeding out of proper track, shall be liable to confiscation. ..	,,	L.		
,, Time fixed for completing the discharge of import cargoes... ..	,,	LI.		
,, No vessel shall depart without a port-clearance, for obtaining which what documents necessary to produce.	,,	LII.		
,, A manifest of cargo on board to be delivered at the time of applying for a port-clearance. Penalty for delivering false manifests.	,,	LIII.		
,, Manifests to be amended if goods are shipped after port-clearance. Penalty for Masters acting otherwise. ..	,,	LIV.		
,, Penalty for Masters departing or attempting to depart without a port-clearance.	,,	LV.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1852.			
Customs Duties.—Penalty for transhipping goods without orders.	I.	LVI.		
„ Governor in Council shall declare ports in the Presidency for the landing and shipment of merchandize.	„	LVII.		
„ Penalty for landing or shiping goods at any other than the authorized places in each port without a special order..	„	LVIII.		
„ Rules to be established for the anchorage of country craft of the British Territories, for the delivery of manifests and for the landing and shipping of goods...	„	LIX.		
„ Penalty for goods passed for importation or exportation not corresponding with their description in the application.	„	LX.		
„ Exported goods found in the harbour, or those imported on the wharf, shall be liable to confiscation unless satisfactorily accounted for by the owners.	„	LXI.		
„ According to fixed rates rent to be charged on goods placed in the Government Warehouses, or on the wharf, after a certain period.	„	LXII.		
„ The charges for the unshipping and shipping of goods and their examination and weighment shall be borne by the importer or exporter.	„	LXIII.		
„ Goods brought by sea and stowed in bulk, may be weighed or measured on boardship and assessed accordingly.	„	LXIV.		
„ Rules may be passed for landing or shipping passengers' baggage and parcels by Her Majesty's or the Company's Mails or by other vessels.	„	LXV.		
„ Penalty for landing and removing goods with the intention of defrauding the revenue.	„	LXVI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Customs Duties.—Goods landed and not cleared within 3 months shall be sold, and Government dues paid from the proceeds. The balance shall be held in deposit and paid to the owner on application made within a certain period.	I.	LXVII.		
„ Governor in Council may maintain an establishment of boats for landing and shipping goods, or license and register cargo boats. Penalty for conveying goods in any other than the authorized boats.	„	LXVIII.		
„ Collector may send on board of vessels Officers to remain there by night and day to watch their unlading and lading...	„	LXIX.		
„ Penalty for Masters of vessels refusing to receive such Officers and their servants, or to afford them the necessary accommodation, &c.	„	LXX.		
„ Masters of vessels shall be charged with the wages of the Officer, &c., for such periods as he may be detained beyond those allowed for the discharge of cargoes.	„	LXXI.		
„ Times fixed for taking in export cargoes when the lading and unlading are continuous or otherwise.	„	LXXII.		
„ When the unlading and lading be not continuous, the Customs Officer to be removed as soon as the import cargo has been fully discharged; and replaced on board after entry outwards. Penalty for Masters of vessels receiving goods on board before the Officer joins the vessel.	„	LXXIII.		
„ Collector may order search of vessels. Goods found concealed and not duly accounted for, how to be dealt with. Resistance to Customs Officers in such cases how punishable. ..	„	LXXIV.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1852.			
Customs Duties.—Search of persons suspected of having uncustomed or prohibited goods on them, how to be conducted and enforced, and when such suspicion is confirmed how the person and goods to be dealt with.	I.	LXXV.		
„ Ditto ditto as regards places where uncustomed or prohibited goods may be kept...	„	LXXVI.		
„ Penalty for boats making fast to, or lying alongside of vessels with goods for export without a permit.	„	LXXVII.		
„ Fines by whom to be adjudicated and how enforced...	„	LXXVIII.		
„ Rates of Import duty—Schedule A.	„	„		
„ Ditto Export ditto—Schedule B...	„	„		
„ Anchorage Tolls on country crafts—Schedule C.	„	„		
„ Duties shall be levied on goods passing by land into, or out of Foreign European settlements on the coast, at rates prescribed in Act I. of 1852.	II.	I.		
„ Governor in Council may declare the Territory of any Native Chief a s Forcign Territory, and goods passing into, or out of such Territory, liable to single or double duties	„	II.		
„ Stations may be established for the levy of such duties with power to Officers appointed thereto to examine the goods, which shall not pass without a certificate of the duty having been paid...	„	III.		
„ Officers of Sea Customs may receive money on account of Land Customs, and grant certificates to enable goods to cross the frontier... ..	„	IV.		
„ Officers to be appointed to receive Land Customs duties and grant certificate of payment.	„	V.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Customs Duties.—Period for such certificates continuing in force. The same if not used may be renewed within the limited period.	II.	VI.		
„ Roads to be prescribed for passing goods into, or out of, Foreign Territories.	„	VII.		
„ Penalty for unlawfully passing goods across the Frontier Stations. ..	„	VIII.		
„ Penalty for Station Officers allowing goods to pass unlawfully. ..	„	IX.		
„ Penalty for Station Officers unlawfully injuring or detaining goods.	„	X.		
„ Confiscations and Penalties by whom to be adjudicated...	„	XI.		
D.				
Darogahs or other Police Officers no longer entitled to any commission on the value of stolen property recovered by them.	XXXI.	I.	.....	Bengal Presidency.
Decrees in appeal by Her Majesty in Council, or any Sudder or Zillah Court, how and by whom to be executed.	XXV.	I.	.....	Presidency of Fort William.
„ Petition to be presented to the Court which made the first decree appealed from, for the execution of such decrees...	„	II.		
„ Appeals from orders on petitions for the execution of such decrees shall be preferred in what manner. ..	„	III.		
„ Sudder Court may enforce—if ordered by Her Majesty in Council. ..	„	IV.		
„ Section VIII. Act XXV. 1837, extended to proceedings under this Act.	„	V.		
„ Applicability of the Act..	„	VI.		
„ Execution of—within the jurisdiction of Courts other than those pronouncing the same. (See Execution.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Deputy Collectors — Uncovenanted — under the Bombay Presidency. (See Uncovenanted.)				
Drugs.—(See Abkaree.)				
Duties—Land customs—(See Customs.)				
Duty.—(See Customs.)				
E.				
Emigrants—Period fixed for the departure in future of vessels with—for Jamaica, British Guiana or Trinidad.	IV.	II.	.....	Calcutta and Bombay.
„ What should be the height between decks of emigrant vessels, and what space allowed to the emigrants for their accommodation.	„	III.		
„ Port of Bombay re-opened for—to Mauritius.	„	IV.		
„ A Protector of emigrants to be appointed at Bombay and Mauritius. Agent's certificate countersigned by the Protector necessary to enable emigrants to embark...	„	V.		
Evidence—Part of Section I., Act VII. 1844, relating to—repealed. ..	XV.	I.	.....	Her Majesty's Courts.
„ Parties to suits, &c., to be admissible witnesses.	„	II.		
„ Parties not compellable to criminate themselves; husband and wife not compellable to give evidence for or against each other.	„	III.		
„ Act not to apply to proceedings for adultery, or to actions for breach of promise of marriage.	„	IV.		
„ The Will Act, XXV. 1838, not repealed.	„	V.		
„ Courts may compel inspection by opposite party on application, of documents in actions and other proceedings.	„	VI.		
„ Foreign and colonial Acts of state, judgments, &c., provable by certi-				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
fied copies, without proof of seal or signature or judicial character of the person signing the same. ..	XV.	VII.		
Evidence—Registers of British vessels and certificates of registry admissible in—	„	VIII.		
„ To prove conviction or acquittal not necessary to produce record, but certificate of clerk of court sufficient.	„	IX.		
„ Examined or certified copies of public documents admissible. ..	„	X.		
„ Certifying a false document a misdemeanor.	„	XI.		
„ Court, &c., may administer oath. ..	„	XII.		
„ Persons forging seal, stamp or signature of certain document, or wilfully uttering the same, shall be guilty of felony.	„	XIII.		
„ Act when to come into operation...	„	XIV.		
Exceptions filed in cases. (See Supreme Court.)				
Execution of decrees in appeal. (See Decrees.)				
Execution of judgments in places beyond the jurisdiction of the courts pronouncing the same, provided for.	XXXIII.	I.	.....	General.
„ What proceedings necessary preparatory to obtaining such execution.	„	II.		
„ In granting copies of the judgment, &c., how the court, pronouncing the judgment, shall act, if it be a court of original jurisdiction. ..	„	III.		
„ Ditto ditto ditto, if of a subordinate jurisdiction.	„	IV.		
„ Principal court of original jurisdiction shall send copies of judgment, &c., to a similar court in the district in which execution is sought, and to the Prothonotary if within the jurisdiction of the Supreme Court.	„	V.		
„ Copies of judgments when filed in courts receiving the same, shall be treated as judgment of their own.	„	VI.		

Execution

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1852.			
Execution of Judgment.—Courts in enforcing judgments of other courts, shall be guided by their own rules and procedure in like cases... ..	XXXIII.	VII.		
„ Of decrees of Military Courts of Requests may be made under this Act; such decrees not to be enforced against the person of a soldier. Decrees of Military Courts of Requests by whom to be signed. .	„	VIII.		
„ Petitions for—of Moonsiffs or Military Court of Requests, may be written on plain paper.	„	IX.		
„ Orders for—or enforcement of judgments how appealable...	„	X.		
„ Definition of certain terms used in this Act.	„	XI.		
„ Of Mofussil process. (See Sheriffs.)				
Expense and delay in certain cases, how far diminished. (See Supreme Court.)				
F.				
Fines, &c., imposed by the Supreme Courts, may be mitigated by the Governor in Council of the two Presidencies, respectively. .. .. (See Supreme Court.)	XXIII.	II, III.	.....	Madras and Bombay.
Frontier Duties.—(See Customs.)				
G.				
Gambling—Penalty for keeping or managing common gaming-houses or places for the purpose of—	XXXIV.	I.	.....	Straits Settlements.
„ What will be a sufficient proof of a common gaming-house.	„	II.		
„ Penalty for persons playing or being present in common gaming-houses, and for persons found gaming in any street, public place or thoroughfare.	„	III.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Gambling.—Justice of the Peace may grant warrants to Peace Officers to enter any common gaming-house, take into custody persons, and seize all moneys and gaming instruments found there.	XXXIV.	IV.		
„ Peace Officers and their assistants may enter any gaming-house without a warrant, if they see persons playing there.	„	V.		
„ Finding of gaming instruments in common gaming-houses suspected to be so, or about the persons of men found therein, shall be evidence that such are gaming-houses, and that the men found there were present for gaming, though not actually engaged in it.	„	VI.		
„ Gaming instruments, moneys, sureties for money and other articles seized in gaming-houses, how to be dealt with on conviction of the parties concerned in gaming.	„	VII.		
„ Police Officers may arrest persons seen gaming in any gaming-houses, street or thoroughfare, and seize all gaming instruments found there.	„	VIII.		
„ To convict persons for managing a common gaming-house, proof not necessary that persons found there were playing for money, &c. . ..	„	IX.		
„ Persons concerned in gaming, making discoveries as witnesses, shall be freed from prosecution.	„	X.		
„ Justices of the Peace may, upon information, issue warrants for the apprehension of persons charged with the keeping or managing of common gaming-houses.	„	XI.		
„ Act not applicable to any game of mere skill played at any licensed Hotels, or places of public resort.	„	XII.		

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1852.			
Gambling.—Persons winning at any game by fraud, or unlawful device, shall be guilty of obtaining money or valuables by false pretence, and on conviction punished accordingly.	XXXIV.	XIII.		
„ Proceedings before the court of quarter sessions not voidable for want of form or removable by *certiorari* into Her Majesty's Court.	„	XIV.		
„ Portions of the fines and of the moneys or proceeds of articles seized may be paid to informers, and the balance how to be applied.	„	XV.		
H.				
Heads of district Police vested with the power of trying certain offences against the Salt Laws... .. .. (See Salt.)	VII.	....	.....	Madras Presidency.
Heads of villages vested with criminal jurisdiction in certain cases. .. (See Patels.)	XXVII.	.....	.....	Bombay Presidency.
Horsburgh Light-House. (See Light-House.)				
I.				
Improvements of Calcutta. (See Calcutta.)				
Inams.—Rules regarding rent-free lands in Deccan, Candeish, or Southern Mahratta Country not questionable in any court for any construction of the law which may be inconsistent with rules prescribed by this Act.	XI.	I.	.....	Bombay Presidency.
„ Inam Commissioners with assistants may be appointed to districts not within Regulation Provinces. ..	„	II.		
„ Duties of such Commissioners and assistants, how to be discharged...	„	III.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Inams.—Claims to exempt lands how to be determined.	XI.	IV.		
„ Power of Commissioners and their assistants to enforce the attendance of witnesses, and to take evidence. Appeals from their proceedings where to lie..	„	V.		
„ Penalty for corruption or other misconduct on the part of Officers of the Commissioner's Establishment.	„	VI.		
„ Decisions of Commissioner, &c., not questionable in Courts of Law, nor shall they be sued in Civil Courts for acts *bonâ fide* done by them.	„	VII.		
Schedule A.				
„ Duties of Inam Commissioner, and his assistants.	„	„	1	
„ Appeals from orders of Commissioner and his assistants where to lie..	„	„	2	
„ Commissioner and his assistants shall receive from holders and claimants of rent-free lands statements explaining the nature of their title, and take evidence thereon.	„	„	3	
„ Statements how to be called for and received.	„	„	4	
„ What sort of notice to be issued for procuring such statements when general invitations fail.	„	„	5	
„ Notice upon whom to be served.	„	„	6	
„ Notice where to be posted in the absence of the persons on whom it would be served. Penalty for non-attendance of claimants within the prescribed period...	„	„	7	
„ Attachments of lands as penalties, by whom to be enforced.	„	„	8	
„ Statements when received how to be tested and decided upon. ..	„	„	9	

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Inams.—In the event of non-attendance of claimants, their rights how and by whom to be decided.	XI.	VII.	10	
„ Attachments made under Rule 8, removable by whose order. Rents collected during attachment not to be restored without order of Government.	„	„	11	
„ Copies of decisions shall be delivered to the claimants affected thereby...	„	„	12	
„ Decisions by whom to be carried into execution.	„	„	13	
„ Procedure for preferring appeals against decisions of Inam Commissioner.	„	„	14	
Schedule B.				
„ Already declared hereditarily rent-free shall be so continued. Competency of Officers for making such declarations, by whom to be determined.	„	„	1	
„ Hereditary lands held under a Sunnud shall be so continued, provided that the grant was made by a competent authority,—that its terms can be observed consistently with the Laws of the land, and rules of public decency,—and that it was not afterwards revoked or altered.	„	„	2	
„ What shall constitute a title to continue to hold lands exempt from assessment.	„	„	3	
„ What lands shall be continued only for one succession after the possessor at the introduction of the British Government. What shall constitute uninterrupted and authorized possession. Prescriptive right admissible under what circumstance.	„	„	4	
„ Introduction of the British Government whence to be reckoned. ..	„	„	5	

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Inams.—What lands shall be resumed on the demise of the incumbent. If he may have died before introduction of British Government, to whom the land shall be continued. In cases of frauds lands shall be resumed at once.	XI.	VII.	6	
„ Lands for the support of Mosques, Temples, &c., shall be continued permanently, provided—(1st.) That the grant was made by a competent authority. (2nd.) That its terms can be observed consistently with the laws of the land and rules of public decency. (3rd.) That it was not afterwards revoked or altered. (4th.) What will entitle Inams under this rule to be permanently continued in the absence of proofs of their grant or their recognition by a competent authority. (5th.) If the records do not establish full prescriptive right, what shall. (6th.) Claims to holdings of individuals in their own names for ceremonial worship shall be decided under rules for personal claims. (7th.) Claims unsupported by valid title and prescriptive enjoyment how to be adjudicated...	„	„	7	
„ Lands held by a tenure of hereditary office, if not personal, shall be continued permanently, subject to 1st., 2nd. and 3rd. provisions in the above rule. (4th.) Inams if proved to have been officially enjoyed, shall be continued permanently, though there be no proof of their having been granted or recognized by competent authority. (5th.) Certain service Wuttuns exempted from this rule; length of enjoyment not sufficient for bringing claims under this rule.				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
(6th.) Mere length of enjoyment of land by an official person not sufficient for bringing a claim. (7th.) Claimants may avail themselves of any of the preceding rules of Schedule B., if holdings be not permanent under this rule... ..	XI.	VII.	8	
Inams.—Provision made for widows of last incumbents of resumed holdings, and of proprietors of hereditary personal Inams dying without any male issue or other heirs.	„	„	9	
„ Certain service tenures excepted from the application of these rules.	„	„	10	
„ Governor in Council may relax any of these rules in favor of claimants, and may interpret the meaning of these rules.	„	„	11	
Indictments—Forms of—in certain cases triable by Her Majesty's Courts. (See Criminal.)				
Infants—Concurrence of— (See Supreme Court.)				
Intoxicating Drugs. (See Abkaree.)				
J.				
Judge of Circuit.—(See Judicial Commissioner.)	.....	....	.....	Bombay Presidency.
Judicial Commissioner—Any one of the Judges of the Sudder Foujdaree Adawlut may be empowered by a written communication from the Governor in Council to act as—or as a Judge on Circuit, and may be vested with all the powers of the Court of Sudder Foujdaree Adawlut...	XXIX.	II.		
„ May be directed to proceed on circuit to any zillah in the Presidency.	„	III.		
Judgments—Execution of—within the jurisdiction of courts other than those pronouncing the same. (See Execution.)				
Justice, Criminal.—(See Criminal.)				

K.	*Act.*	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
Kyouk Phyoo.—(See Poll Tax and Tax.)				
L.				
Land Customs on certain Foreign Frontiers of the Bombay Presidency. (See Customs.)				
Lands exempted from assessment. (See Inams.)				
Land needed for public purpose shall be so declared by the Governor in Council...	XX.	I.	....	Madras Presidency.
„ How to be taken posession of in case of hindrance to their immediate acquisition by purchase.	„	II.		
„ After possession being taken, shall be vested in the Government free from all other rights, titles and incumbrances.	„	III.		
„ Parties interested in—how to be cited to prefer their claims to compensation.	„	IV.		
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„ An umpire to be appointed by the arbitrators.	„	VIII.		
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Penalty

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
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Land.—Collector may enforce the production before arbitrators of accounts, title-deeds, &c., of the parties interested.	„	XII.		
„ What preliminary inquiries the arbitrators shall make prior to their giving awards.	„	XIII.		
„ Award of arbitrators or umpire, how far binding.	„	XIV.		
„ In cases of questionable title and of unrepresented minors, lunatics and absentees, the amount of compensation awarded by arbitrators shall be held in deposit by Government.	„	XV.		
„ On the close of the inquiry, arbitrators shall report their proceedings to the Collector.	„	XVI.		
„ Suits against Government for compensation shall be dismissed, but right to recover value of land from persons receiving it without title, not barred.	„	XVII.		
„ Claims preferred by parties after a month to lands acquired by Government by bargain, shall be null and void.	„	XVIII.		
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Light-

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
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„ Collector may sue Owners or Masters in any of Her Majesty's Courts in India for the recovery of Tolls.	„	IX.		
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
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„ If both the parties intending to be married reside in the Presidency Towns, Supreme Court may, on application, order the issue of Certificate in less than 14 days. ..	„	V.		
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„ Appeals to whom to be made where Registrars in allied Native States refuse certificates.	„	X.		
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
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„ Act when to take effect...	„	XXVI.		
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
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	1852.			
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Patels

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
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„ Competent Courts may order dismissal of—on production of copies of judgment containing their conviction or finding.	„	III.		
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
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Prosecution of Ministerial and Police Officers for acts of corruption, extortion, embezzlement or other malversation, by whom to be conducted.	XXXII.	I.	.....	General.
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1832.			
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„ IX. 1800, Clause II., Section VII.				
„ I. 1805, Sections XIV., XVII., XX., XXI. and XXV.				
„ II. 1810, Section IV.				
„ VI. 1814.				
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„ X. 1829, Section XVIII., Bengal Code, so far as regards pleaders, repealed. .. .. (See Pleaders.)	XVIII.	I.		
„ I. 1813, Madras Code repealed. .. (See Abkaree.)	XIX.	I.		
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
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„ V. 1831, Clause 5, Section V. and Clause 3, Section XV., and parts of Clause 3, Section VIII. and Section VI. of the same Regulation,				
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„ III. 1793, Sections XIII. and XXI.				
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Bengal Code, as extended by Act XXI. 1850, made applicable to suits and cases in Moonsiff's Court.	„	III.		
„ XXVI. 1814, Clause 2, Section IV., Bengal Code, relating to reviews of judgment, made applicable to Sudder Ameens and Moonsiffs' Courts	„	„		
„ V. 1851, Clause 2, Section XV. Bengal Code, modified.	„	IV.		
„ II. 1819, Clause 1, Section XXX., Bengal Code, suits under—may be referred to Sudder Ameens and Moonsiffs.	„	„		
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
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„ Fees how to be accounted for and paid to the—	„	IV.		
„ Government may compound with— for a monthly payment instead of such fees, &c.	„	V.		
„ Besides the fees or monthly payment, Sheriff shall receive 2½ per Cent. on the value of property sold under Mofussil process.	„	VI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
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„ May try suits in which any Vakeel or Officer of their Courts, is a party, and suits under Clause 1, Section XXX., Regulation II. 1819. ..	„	IV.		
„ Authenticated copies of decrees may be filed with petitions for execution. Copy of Petition not necessary to be compared with the original record of the suit.	„	VI.		
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
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„ How married women may concur.	„	III.		
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1852.			
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